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TRANSCRIPT OF PROCEEDINGS

MONTANA CONSTITUTIONAL CONVENTION

January 17, 1972

to

February 5, 1972

Vol. II

Convention Hall

State Capitol

Helena, Montana

PLEASE RETURN

OCT 2 - 1990

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MONTANA CONSTITUTIONAL CONVENTION

FOURTH DAY

January 17, 1972 — Convention Hall

10:04 o'clock, A.M. — Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. At this time I will call into session this Constitutional Convention under the authority of the Enabling Act. We will be operating until the rules are finally adopted, probably tomorrow, in accordance with the order of business and the rules of Mason's--or, of Mason's Rules.

John Toole.

DELEGATE TOOLE: Will everyone rise and join in the Pledge of Allegiance to the Flag?

(Whereupon, all arose to recite the Pledge of Allegiance to the Flag.)

PRESIDENT GRAYBILL: Reverend Burkhardt.

REVEREND BURKHARDT: Let us pray. Oh, God, we pause for a moment of reverence, giving thanks for the heritage which is ours in this state and in this land, asking guidance for the future as we shape the quality of lives for ourselves and those who may come after us. As we go about our tasks, let us reflect on the words of the Scriptures: He has shown you, oh man, what is good; and what does the Lord require of you but to do justice, to love kindness,

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and to walk humbly with your God. Amen.

PRESIDENT GRAYBILL: Roll call this morning will be taken by machine. Will the Clerk, John Hanson, please take the roll?

CLERK HANSON: Mrs. Bowman and Mr. Toole have not pressed their buttons. James.

DELEGATE JAMES: Present.

CLERK HANSON: Schiltz.

DELEGATE SCHILTZ: Here.

CLERK HANSON: Siderius.

DELEGATE SIDERIUS: Here.

CLERK HANSON: Speer.

DELEGATE SPEER: Here.

CLERK HANSON: Would you please vote? Mr. President, ninety-nine Senators, or Convention Delegates present.

PRESIDENT GRAYBILL: Very well. Record the vote.

Aasheim - Present	Barnard - Present
Anderson, J. - Present	Bates - Present
Anderson, O. - Present	Belcher - Present
Arbanas - Present	Berg - Present
Arness - Present	Berthelson - Present
Aronow - Present	Blaylock - Present
Artz - Present	Blend - Present
Ask - Present	Bowman - Present
Babcock - Present	Brazier - Present

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Brown	-	Present	Habedank	-	Present
Bugbee	-	Present	Hanson, R. S.	-	Present
Burkhardt	-	Present	Hanson, R.	-	Present
Cain	-	Present	Harbaugh	-	Present
Campbell	-	Present	Harlow	-	Present
Cate	-	Present	Harper	-	Present
Champoux	-	Present	Harrington	-	Present
Choate	-	Present	Heliker	-	Present
Conover	-	Present	Holland	-	Present
Cross	-	Present	Jacobson	-	Present
Dahood	-	Present	James	-	Present
Davis	-	Present	Johnson	-	Present
Delaney	-	Present	Joyce	-	Present
Driscoll	-	Present	Kamhoot	-	Present
Drum	-	Present	Kelleher	-	Present
Eck	-	Present	Leuthold	-	Present
Erdmann	-	Present	Loendorf	-	Present
Eskildsen	-	Present	Lorello	-	Present
Etchart	-	Present	Mahoney	-	Present
Felt	-	Present	Mansfield	-	Present
Foster	-	Present	Martin	-	Present
Furlong	-	Present	McCarvel	-	Present
Garlington	-	Present	McDonough	-	Present
Graybill	-	Present	McKeon	-	Present
Gysler	-	Present	McNeil	-	Present

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Melvin - Present		Siderius - Present	
Monroe - Present		Simon - Present	
Murray - Present		Skari - Present	
Noble - Present		Sparks - Present	
Nutting - Present		Speer - Present	
Payne - Present		Studer - Present	
Pemberton - Present		Sullivan - Present	
Rebal - Present		Swanberg - Present	
Reichert - Present		Toole - Present	
Robinson - Present		Van Buskirk - Present	
Roeder - Present		Vermillion - Present	
Rollins - Present		Wagner - Present	
Romney - Present		Ward - Present	
Rygg - Present		Warden - Present	
Scanlin - Present		Wilson - Present	
Schiltz - Present		Woodmansey - Present	

PRESIDENT GRAYBILL: Jean Bowman.

DELEGATE BOWMAN: Mr. President, I have examined the journal for the first, second and third days of the Convention and find the same correct.

PRESIDENT GRAYBILL: At this time I would like to make a few remarks to the Convention before, or as we start. The preliminaries are over and it is now time for this group of elected delegates to carry out the task of writing a Constitution for Montana. We will, in the next few weeks, re-

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duce to words the principles and guidelines by which we expect to order our system of government for the foreseeable future. John Locke has explained that these words should not be our goal--rather our best ideas should. I quote him: We should have a great many fewer disputes in the world if words were taken for what they are--the signs of our ideas only, and not for things themselves.

Ladies and Gentlemen, the job to be done has been started. The quality of that start has been outstanding. Hopefully, our efforts to accomplish the task ahead will continue to be high in quality. This body knows what is expected of them. This body knows what it means to write the document.

This is what John Toole believes. This is what he said in his editorial: During 1972, the people of Montana will be faced with an important question: Are we willing to bring about changes in our government which will make state and local government more economical, more flexible and more responsive to our needs? Change is sometimes painful but in a dynamic society it is also vital.

This is what Elizabeth Cross believes: Among all people, Americans have the highest standard of living; but, there is a real question of how long our present rate of consumption can be sustained under present practices of conservation. Between the knowledge that our economy must proceed,

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and that man must somehow rise above his own immediate gain, the delegates to this Convention must decide what we shall do.

This is what Wade Dahood believes: It is time for an aroused citizenry through its Constitutional Delegates to restate the constitutional commandments that require government to always respond to the needs of the people who have created it.

This is what Thomas Joyce believes: It is my view that the Convention cannot, and should not, try to solve any contemporary governmental problems. Rather, its purpose is to facilitate the future solution of contemporary problems as well as problems not presently foreseeable.

Now, I have only mentioned a few and I wish I could mention all the others, but this body knows what writing the Constitution is all about. My conviction is that we should turn our viewpoints toward the future. This is a time of transition and it will continue to be. The central truth of our time is change--constant, accelerating change. Think with me for a moment about Montana in the year 1900, after this Constitution we now have was written. In 1900, Montana had no automobiles, no paved roads, no electric lights, no radios or TV's, no telephones to speak of. Most of our grandparents did physical labor or associated jobs for long hours. They did have railroads to take them to the eastern seaboard once or twice in a lifetime. I guess that's something we don't

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have. Things have changed. Now, look for a moment in your imagination to the State of Montana in the year 2040. What will the family be like then? What will the transportation system be? The school system? What type of communications will we have at that time? In 2040, what will the work week be? And how will our grandchildren spend their leisure time? Do you really think things won't change much in the next seventy years? Obviously, things are going to change even faster than they changed in the last seventy years and we should be thinking about how our Constitution will fit the situation. As citizens, our viewpoints are usually contemporary and are based on much shorter spans. But, we do not think about the future and we are not asked about it very often. As Alvin Toffler says about us in his book, Future Shock: The voter may be polled about specific issues, never about the general shape of the preferable future. Indeed, nowhere in politics is there an institution through which an ordinary man can express his ideas about what the distant future ought to look, feel or taste like. He is never asked about this. And on the rare occasions when he does think about it, there is no organized way for him to feed his ideas into the arena of politics. Cut off from the future, he becomes a political eunuch.

What I say today is that this body has an opportunity to consider that future. This Convention is a way for each

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of us, and it's a way for each of Montana's citizens to concern themselves with the general shape of the future. We do have that opportunity. We do have in this Constitutional Convention an institution organized for the people to feed their ideas about the future into politics. But can we accomplish this? How can we get this job done? I would simply seek to remind you that we must be open--open to ideas, open to opinions, open to debates. We must also be open to our own conscience and to our inner selves. We must seek guidance and good fellowship right here in this room. We must be responsive to eachother. If we can make our government work here in this room, then perhaps we can make Montana, or help Montana move into the future with confidence and vision. Montana--our Montana--is a great, vast state. It has been badly robbed and left little of the financial gain it has produced in the past. And lately, for lack of opportunity, she has been left without her greatest resources--young people. But these young Montanans want to return to their great state because Montana embodies for them the things they find worthwhile--the open spaces, the mountains, the clear streams. In other words, the good life. If only for that reason, Montana must move into the future with confidence and vision through a document that will be written to respond sensitively to her needs. My good wishes go with you. May God bless you and keep us all during this Convention. Thank you.

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DELEGATE ESKILDSEN: Mr. Chairman.

PRESIDENT GRAYBILL: The Chair recognizes Mr. Eskildsen.

DELEGATE ESKILDSEN: I move we revert to Order of Business under Mason's Rules J for unfinished business.

PRESIDENT GRAYBILL: All right, the motion has been made that we move to item J under Mason's Rules, unfinished business. All those in favor of so moving to that order of business say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed?

(No response)

PRESIDENT GRAYBILL: All right. So be it. The reason we want to move to unfinished business is that I would like to announce that I am going to move Vice President John Toole from the Legislative Committee to the Education Committee. We felt that would balance the situation up a little better, so I am now announcing that committee change. Now the Chair would again recognize Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, may we refer to Rule G, Report of Standing Committees?

PRESENT GRAYBILL: All right. You have heard the motion that we move to Order of Business G under Mason's, Reports of Standing Committees. All those in favor of that motion say Aye.

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DELEGATES: Aye.

PRESIDENT GRAYBILL: Those opposed?

(No response)

PRESIDENT GRAYBILL: Very well, we will go to the reports of standing committees, principally the procedural committees, and the Chair will recognize John Toole for a report on the Committee on Administration.

Mr. Toole.

DELEGATE TOOLE: Mr. President, you have before you the report of the Committee on Administration. If you will get that out we'll go over the budget first.

PRESIDENT GRAYBILL: Not quite so close, John.

DELEGATE TOOLE: We have a very tight budget as you can see. Before I start these remarks, Mr. President, I'm going to ask you to permit me the privilege of not yielding to questions. We have a full agenda today and I would prefer not to yield to questions since we are having a hearing at one-thirty, P. M., in the Senate chambers on this subject. Referring back to the budget now, you will see that most of our expenses are fixed. It contemplates a nine day week and we have very little leeway in which to operate. Salaries and wages, of course, are fixed expenses. Contracted services are fixed expenses. Travel, communications, supplies and stationery. Postage we have estimated at five thousand dollars and this limits the Delegates, I am sorry to say, to

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twenty dollars for the whole session. I sincerely hope the Delegates will live within that allowance. Now, if you will look down at the bottom you will see that we have what is called a contingent fund. The contingent fund is there because it may be necessary to go beyond nine weeks. This Convention costs forty thousand dollars a week and if we go another week, we are stuck the other forty thousand dollars. This leaves at the bottom a total sum of twenty-eight thousand dollars for public information, which we do not consider to be adequate. We therefore hope we can cut the Convention to nine weeks and we will have forty thousand dollars for public information. Now, you will observe that the total budget is slightly in excess of the amount appropriated by the legislature. It is expected that the Constitutional Convention Commission will have some surplus funds that we can turn over to the Convention and therefore we can go as high as five hundred four thousand dollars, perhaps a little higher, but you can readily see the imperative nature of completing the Convention's business in nine weeks, probably, and certainly not longer than ten weeks. I should tell you that we have applied for a federal grant in the amount of fifty thousand dollars to supplement our public information program after the Convention adjourns. We don't know whether it's to be forthcoming but we're optimistic. If that is forthcoming, we can carry on a public information program of considerable

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extent. Now you will also find--I believe that concludes my remarks on the budget, and let me repeat again that there will be a hearing in the Senate chambers on Wednesday at one-thirty P.M., on the budget. And we invite all of you to attend and ask questions and make suggestions. There isn't much room for leeway but we certainly will be glad to hear from you. You should find in your report a list of staff, along with salaries and positions. I will not go into great detail on that. We have fifty-six employees. The House of Representatives, I think, hires a hundred and fifty, so you can see how much pared down we are with respect to the House--as compared with the House of Representatives. We have taken over eighteen employees from the Constitutional Convention Commission. We have retained them at their same salaries; however, some of them have different jobs. This situation may be subject to change. The salary situation is still open with respect to all fifty-six employees. We did not want to make salary changes at this particular time in the Convention because it would cause a lot of disruption when we are trying to get under way. I know a number of you are concerned about pages. We had applications for over two hundred and fifty pages. We have room for seventy-five. We spent more time, I think, on pages than almost any other item of this whole report. We finally came to the conclusion that we should choose the pages by lot. Many of you had relatives--sons and daugh-

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ters--whom you wanted very badly to be pages. I hope that some of you were lucky in the lottery. We have seven pages who were not in the lottery who are coming from the Indian reservations of Montana. We felt our Indian citizens deserved this treatment since there was no guarantee that they would be successful in the lottery. We passed--we recommended a rule that immediate relatives of delegates not be employed, contrary to the legislative practice. We do not think this befits a Constitutional Convention and I hope that none of you were too badly offended by this rule. We will have a hearing at the same time on the staff in the Senate at one-thirty, P.M. Mr. President, that concludes my report on the Committee on Administration. I would like to move now that this report be accepted and filed.

PRESIDENT GRAYBILL: Do you want Mrs. Eck to make her report now?

DELEGATE TOOLE: I didn't hear you, Mr. President.

PRESIDENT GRAYBILL: Do you want Dorothy Eck to make her report on interns now?

DELEGATE TOOLE: I beg your pardon. There is another item. I would like to have the Chair call on Dorothy Eck to discuss handling of the interns of the Convention.

PRESIDENT GRAYBILL: Fine. You may yield the floor to Dorothy Eck.

DELEGATE ECK: You will notice in your report an

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explanation of what the interns will be doing and a list of the interns. We have twenty-seven university students who are serving the Convention. They are considered staff members and responsible, ultimately, to Dale Harris. But each one of them has been assigned to an individual delegate, a committee chairman or an officer or a staff member. We would appreciate very much, however, if individual delegates would make good use of these interns. If you have an idea of some kind of a research project you need done or a study that you would like to assign to one of them, contact the intern assigned to your committee. If that intern is busy, contact me, because their success in really serving the Convention and having a good experience while they are doing it really depends upon their being kept busy at significant tasks. As Delegates, I think that we will find that we will be able to do a better job if we have this kind of resource available to us. They are not to be considered anywhere near the same classification as our research analysts, whom I hope, incidentally, you will use well also. But I think there are a lot of jobs that the interns can do for us to make the Convention move along more smoothly and also to contribute to their educational experience. Each of them in addition will be responsible to their professor at the university, either Bozeman, Missoula or Carroll College here in Helena. And they will also be working for academic credits, doing some reading and studying and

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writing some research papers along with this. I hope you will use them all well. Thank you.

PRESIDENT GRAYBILL: Very well. Mr. Toole.

DELEGATE TOOLE: Mr. President. Thank you, Mrs. Eck. I will now move that the report of the Administration Committee be accepted and filed. That simply means that--just what it says--it doesn't mean that we are approving the report. The report will be approved, I think, next Friday after the hearing on Wednesday. I so move, Mr. President.

PRESIDENT GRAYBILL: All right. You have heard the motion of the chairman of the Committee on Administration that the report of the Committee on Administration be accepted and placed on file. You have heard his announcement of the hearing on the budget and the staff on one-thirty, P.M., on Wednesday. All those in favor of accepting and filing this report say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed?

(No response)

PRESIDENT GRAYBILL: So ordered.

DELEGATE TOOLE: Mr. President.

PRESIDENT GRAYBILL: The Chair will recognize Mr. Toole again for the Committee on Public Information.

DELEGATE TOOLE: The Delegates have on their desks a rather massive report on public information which is the

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result of a number of meetings of the Public Information Committee. I will also ask the Chair if they will permit me not to yield to questions on this report at this time since we will have a hearing on this subject in the Senate chambers at three o'clock, P.M., Wednesday afternoon. This program will be administered by Miss Elizabeth Harrison, many of whom you know--many of you know her. As I say, I am not going into detail but I do wish to mention one aspect of our public information program and that is the citizens corps. Now, the citizens corps was late in getting under way. We had a meeting of the public information on January eighth to get it under way. We think it has tremendous value, tremendous potential with respect to bringing the message of this Convention to the public. We will be scheduling meetings with each delegation to go over what you have put together in your district and what remains to be done in your district with respect to the formation of the citizens corps. We realize that the citizens corps will take a different form in every district. A district composed of a number of counties, a large number of square miles will have a different format than, say, Cascade County. But we hope you will give it your ardent cooperation and make it work. It can be a tremendously important instrumentality in insuring the success of this Convention. I would also like to announce that on Thursday, the Delegates will have an opportunity--I don't have the time

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on it--the Delegates, particularly the Delegates from rural counties where you have weekly newspapers, will be asked to meet with Miss Harrison and Mr. Fred Martin with respect to getting out weekly information to weekly newspapers. We will give you detailed information as to the place and the time later on. On public information there will be a public hearing, as I said before. We are meeting in the Senate at three o'clock on Wednesday and you are all invited. Mr. President, that concludes my report on public information and I would move now that it be accepted and filed.

PRESIDENT GRAYBILL: All right, you have heard the report of the Committee on Public Information and it has been moved that it be accepted and placed on file. You have heard the announcement of the chairman that there will be a hearing on public information at three o'clock on Wednesday afternoon in the Senate chamber. As many as are in favor of accepting and filing the report say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Mr. Toole.

DELEGATE TOOLE: Mr. President, we are having difficulty with these microphones. I can't hear you and I guess a lot of people haven't been able to hear me, but if you would

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move yours a little closer to your mouth the back row could hear you a little better. Thank you.

PRESIDENT GRAYBILL: All right. The Chair will now recognize the chairman of the Rules Committee, Marshall Murray, for a report of the Rules Committee.

DELEGATE MURRAY: Mr. President, the Rules Committee has been meeting relative to the rules. We have four rules left to complete as far as form is concerned. I think we have reached agreement with respect to those rules on the substance thereof. I anticipate having, hopefully, all of them ready for a hearing to be held in the Senate chambers at three o'clock today. We anticipate having them duplicated and available for all of the Delegates who would like to have them and who would like to attend that hearing. The primary reason for the hearing is that there seems to be some disagreement amongst the Delegates as to my and the committee's philosophy regarding two matters of utmost importance--one being the matter of roll calls and when they shall be taken, and the other being the question of how many delegates shall be required to pass certain votes. There are also several other matters to be discussed in hearing. If anybody has any rules they would like to propose, or suggestions to the rules, we would like to invite them to attend. I envision these rules as being broken down into three categories. They are mixed up within those three general subject matters but,

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basically, as I envision them, they have to do first with organization, the election of the officers and the duties and responsibilities of the officers and in this respect, as the temporary rules provided, these rules show and demonstrate that the President shall have the general supervision of this Convention and he is in charge of this operation. He shares that operation with respect to finances and budget with the Committee on Administration. He shares that responsibility and duty with the Committee on Rules and Administration as to its schedule. And as to other matters, he has the authority. Of course, the Convention has the ultimate authority in every instance anyway. The second part of the rules has to do with parliamentary procedure and the rules that we have proposed are pretty much standard in the many states that were exhibited in Memorandum One and the supplemental Memorandum One, and relate to the parliamentary operation of this assembly. And we have selected and will propose that Mason's be used as the parliamentary guide to supplement the rules that we propose and govern us in any instance that is not covered in the rules. The third area of our rules has to do with the operation of this Convention and the introduction of delegate proposals, citizen suggestions and Delegate and committee resolutions. And it is in this area of the rules that we are presently involved in doing some remodeling. We think that we have pretty much in mind how this Convention will operate

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with respect to these matters if you adopt the rules as we propose them. This is much different than any of you have experienced, I am sure, because we have attempted to take the best of the rules of the various states, have attempted to get entirely away from the language and practice of the legislative sessions in the State of Montana and the Congress of the United States, and have tried to use such language and draft such rules as will give all of us an equal start and an equal understanding of how we hope this convention will conduct itself with respect to debate and procedure. I guess that, basically, that is all I have to say except that as you review these rules you will note that I have extended my philosophy and interest in getting this Convention along and making it move and operate and not be delayed and dilatory and I would imagine that some of the matters which you will hear under discussion this afternoon will affect my philosophy as it is expressed in these rules in that respect. Some people think they need more time on certain things or they would like to have another opportunity to save something which has been defeated or amended, and this is well and good. We'll hear you out and I am sure we'll make some changes. We want you to know and understand these rules and we feel sure that once you do we will be able to get under way rapidly. Thank you, Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Murray, is my mike working

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now?

DELEGATES: No.

PRESIDENT GRAYBILL: Not working?

DELEGATES: No.

PRESIDENT GRAYBILL: Now?

DELEGATES: No.

PRESIDENT GRAYBILL: Now?

DELEGATES: Yes.

PRESIDENT GRAYBILL: It helps to turn them on. You wonder how it worked when it wasn't turned on, don't you? Mr. Murray, since the hour is early, I wonder if we might change the program a little today from what we had anticipated and I think we will be out of here by eleven o'clock and we could have those committee meetings this morning and let's move your rules hearing up. Can we move your rules hearing up before three o'clock?

DELEGATE MURRAY: I don't think that we can move it any sooner than two because I haven't had an opportunity to run through--some of these rules are still being typed.

PRESIDENT GRAYBILL: All right.

DELEGATE MURRAY: Four of them have not been completed as to drafting at all and I think we can have most of them duplicated and available by two o'clock. Let's move it to two o'clock.

PRESIDENT GRAYBILL: Let's move it up to two o'cloc

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DELEGATE MURRAY: No sooner than that, Senate chambers.

PRESIDENT GRAYBILL: All right, you heard the report of the chairman of the Rules Committee. I don't think it takes any action. There will be a rules hearing, then, at two o'clock instead of three. Some of you knew it was to be at three. Two o'clock this afternoon in the Senate chambers.

Mr. Aronow.

DELEGATE ARONOW: Mr. President, may we hold the Rules Committee meeting in this chamber rather than the Senate because from what Mr. Murray stated, there may be some discussion.

PRESIDENT GRAYBILL: There may be a hundred seats filled.

DELEGATE ARONOW: Right.

PRESIDENT GRAYBILL: Mr. Murray, do you have any objection to moving your committee meeting into this room?

DELEGATE MURRAY: None at all. I like Convention Hall.

PRESIDENT GRAYBILL: All right, the meeting will be at two o'clock, P.M., in this room--the hearing on the rules--and we will go through them. Now the rules will be available in printed form by that time and you may debate them and discuss them at your leisure and as long as you need.

Mr. Martin.

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DELEGATE MARTIN: Will that conflict with some of our substantive committee meetings?

PRESIDENT GRAYBILL: I am about to move the substantive committee meetings until right now, at eleven o'clock, instead of one-thirty. All right, first of all I want to make some announcements here and you may want to take these down in case some of you haven't gotten your cards. These are the committee room assignments: Bill of Rights is in Room 330; Education and Public Lands is in Room 436; the Executive Committee is in Room 428-B; Government and Constitutional Amendments is in Room 410; Judiciary is in Room 412; Legislative is in Room 433 and 4, and their office is in 432. They're all right next to eachother. Local Government is in Room 437; Natural Resources is in Room 402; Public Health, Welfare, Industry and Labor is in Room 428-A; Revenue and Finance is in the Mitchell Building, Room 215. The Mitchell Building is the big building to the east of the Capitol. The Rules Committee is currently meeting in this room at this front end of Convention Hall; the Style and Drafting Committe currently does not have a room. We have made a couple reques of the Supreme Court and we'll see what happens. Are there a questions about the room assignments of the substantive committees?

(No response)

PRESIDENT GRAYBILL: Now, we were going to have sub

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stantive committees at one-thirty but I think we can adjourn here in a few minutes and recess and we can have our substantive committee meetings at eleven o'clock this morning. Now I would merely like to caution the chairmen of the substantive committees that the rules which haven't yet been adopted may require a five-day and will require at least a three-day notice of hearings. That means that you have got to arrive at a hearing notice today or tomorrow and get it worked out with Max Baucus so that we can publicize it in order to make yourselves able to hold hearings beginning a week from this morning--I mean public hearings to which the public has to have notice. So, one of the things you might consider at your committee meetings this morning is your schedule for the immediate, beginning next week. You'll know in a moment that this week is fairly well filled up. I want to also review with you the fact that these procedural committees--the Rules Committee this afternoon and the other two committees of Mr. Toole's that you've talked about--will meet on Wednesday afternoon. Probably those can still be held in the Senate. In addition to that, I want to outline for you briefly two or three major items that the Convention will cover this week and when so that you will have them in your minds. You will be given a summary of this tomorrow, but so you have it in mind. We have this problem of what proper work week we want to adopt--Monday, Friday or Tuesday, Saturday, etcetera. We in-

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tend to open that up by resolution for debate on Wednesday morning so make up your minds before Wednesday morning or on Wednesday morning. Then we have a serious problem. The management of the Constitutional Convention has a serious problem--I think we all have a serious problem in determining as quickly as possible when we really intend to go to the electorate with the product of this Convention. Now, there has been a great deal of assumption that it would be in the election in November, the general election, but there has been a strong suggestion from a number of you Delegates that we do this in the primary election. And there has been a third strong suggestion from another fairly substantial group of Delegates that we do it by special election. Now, because of the work of the Public Information Committee and certainly because of the work of the Style and Drafting Committee, and for that matter, for the entire Convention it is absolutely essential that we find out this week when we intend to go to the public with the finished product because we will have to be on a little different schedule if we go in June than if we go in September or in November. Therefore, we intend to, by resolution, have you debate on Thursday morning the schedule of this Convention's submission of the Constitution to the public. Then, the third major area where there are two or three schools of thought on is whether--is the recess issue. Should we have or not have a recess to take the product

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of the Convention, or to take the product of the committees to the public in hearings around the state. If we should have such a recess, should it be in the middle of the session or should it be at the end of the session? We are going to discuss that issue on Friday morning. Now, we put that over until Friday so that we might possibly know when we are going to go to the public before we decide that issue. You should be aware that the Convention will discuss those three matters this week. In addition to that, of course, the committees will meet and there will be other special activities. I also want to announce, and you will be given--let's say we'll probably get this notice out now at the Rules Committee meeting this afternoon--the bulletin on this, but there is to be a convention social dinner tomorrow night, Tuesday night, at Jorgenson's, for the purpose of socializing with the other Delegates and for the specific purpose of allowing all of the Delegates to meet and see the staff. We are inviting the entire staff and will introduce all of the staff members individually so you'll get a good chance to pick out who are and who are not, or what the staff's jobs are at that time. Then, Vice President Toole and his wife and Mrs. Graybill and I have graciously consented to host you at cocktails before that dinner. So, that will start at six-thirty tomorrow night. And we do want you, after you get this notice, to notify the secretaries in the cage out there whether or not you intend

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to come. Are there other announcements that committee chairmen wish to make, or anyone else wish to make, with the understanding that when we recess the committees will be expected to meet at eleven o'clock, A.M., in their rooms. Are there any other announcements?

CLERK HANSON: Locker keys have been assigned in alphabetical and numerical order. The first eleven are in the ante over here having the exit over it; numbers twelve through twenty-two are in the entrance way; all the others are in the west wing on the first floor.

PRESIDENT GRAYBILL: Are there any other announcements? If there are no other announcements, the Chair will recognize Mr. Eskildsen.

DELEGATE ESKILDSEN: One little announcement that we might have today--I think it would be well to recognize the President's mother and father are here to watch us open our session--Mr. and Mrs. Leo Graybill--and his wife.

PRESIDENT GRAYBILL: Would my parents and my wife please stand?

(Applause)

PRESIDENT GRAYBILL: Thank you, Mr. Eskildsen.

DELEGATE ESKILDSEN: At this time, I move that the Convention stand in recess until nine o'clock, A.M., Tuesday, January eighteenth.

PRESIDENT GRAYBILL: The motion has been made that

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the Convention stand in recess until nine o'clock--

DELEGATE ESKILDSEN: Adjourn. Excuse me, adjourn.

PRESIDENT GRAYBILL: All right. The journal wants to show it as adjourn until nine A.M. tomorrow morning, Tuesday, in this same Convention Hall. All those in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Those opposed, Nay.

(No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered.

(Convention adjourned at 10:51, A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

FIFTH DAY

January 18, 1972 Convention Hall

9:12 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in session. I would like John Toole to lead us in the Pledge of Allegiance to the Flag, please.

(Whereupon, all arose to recite the Pledge of Allegiance to the Flag.)

PRESIDENT GRAYBILL: Will the Reverend Harper lead us in our Invocation, please?

REVEREND HARPER: Almighty God, our Father, in whose sovereignty men have for ages fashioned governments, guide the members of this body today, put our feet on the ground where the commonest of our people walk, and let our minds be clear and unpolluted as the big sky. Grant us such iron nerve that we may add in some small measure to the kingdom that you are fashioning for us in our world. Amen.

PRESIDENT GRAYBILL: Will the Clerk call the roll? Vote on your machines Aye.

CLERK HANSON: Babcock.

(No response)

CLERK HANSON: Mansfield.

DELEGATE MANSFIELD: Here.

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CLERK HANSON: Marks.

DELEGATE MARKS: Here.

CLERK HANSON: Siderius.

(No response)

CLERK HANSON: Martin.

DELEGATE MARTIN: Here.

CLERK HANSON: Siderius.

DELEGATE SIDERIUS: Here. My machine isn't working.

CLERK HANSON: Your machine isn't working. All right. Babcock.

(No response)

PRESIDENT GRAYBILL: Babcock is absent and Siderius' machine is not working. We have ninety-nine present, then. Ninety-nine present on the journal, Mrs. Babcock absent. Record the vote.

Aasheim - Present	Barnard - Present
Anderson, J. - Present	Bates - Present
Anderson, O. - Present	Belcher - Present
Arbanas - Present	Berg - Present
Arness - Present	Berthelson - Present
Aronow - Present	Blaylock - Present
Artz - Present	Blend - Present
Ask - Present	Bowman - Present
Babcock - Absent	Brazier - Present

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Brown	-	Present	Habedank	-	Present
Bugbee	-	Present	Hanson, R. S.	-	Present
Burkhardt	-	Present	Hanson, R.	-	Present
Cain	-	Present	Harbaugh	-	Present
Campbell	-	Present	Harlow	-	Present
Cate	-	Present	Harper	-	Present
Champoux	-	Present	Harrington	-	Present
Choate	-	Present	Heliker	-	Present
Conover	-	Present	Holland	-	Present
Cross	-	Present	Jacobson	-	Present
Dahood	-	Present	James	-	Present
Davis	-	Present	Johnson	-	Present
Delaney	-	Present	Joyce	-	Present
Driscoll	-	Present	Kamhoot	-	Present
Drum	-	Present	Kelleher	-	Present
Eck	-	Present	Leuthold	-	Present
Erdmann	-	Present	Loendorf	-	Present
Eskildsen	-	Present	Lorello	-	Present
Etchart	-	Present	Mahoney	-	Present
Felt	-	Present	Mansfield	-	Present
Foster	-	Present	Martin	-	Present
Furlong	-	Present	McCarvel	-	Present
Garlington	-	Present	McDonough	-	Present
Graybill	-	Present	McKeon	-	Present
Gysler	-	Present	McNeil	-	Present

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Melvin	-	Present	Siderius	-	Present
Monroe	-	Present	Simon	-	Present
Murray	-	Present	Skari	-	Present
Noble	-	Present	Sparks	-	Present
Nutting	-	Present	Speer	-	Present
Payne	-	Present	Studer	-	Present
Pemberton	-	Present	Sullivan	-	Present
Rebal	-	Present	Swanberg	-	Present
Reichert	-	Present	Toole	-	Present
Robinson	-	Present	Van Buskirk	-	Present
Roeder	-	Present	Vermillion	-	Present
Rollins	-	Present	Wagner	-	Present
Romney	-	Present	Ward	-	Present
Rygg	-	Present	Warden	-	Present
Scanlin	-	Present	Wilson	-	Present
Schiltz	-	Present	Woodmansey	-	Present

CLERK HANSON: Mr. President, ninety-nine present.

PRESIDENT GRAYBILL: Very well, let the journal so show. I will now call on the secretary, Mrs. Bowman, to report on the journal.

DELEGATE BOWMAN: Mr. President, I have examined the journal for the fourth Convention day and find the same correct.

PRESIDENT GRAYBILL: Thank you. All right, before we begin I have one or two announcements that I think I should

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make. First of all, those of you who have not yet responded to whether you are coming to the dinner tonight might do that at your leisure and with the secretaries in the glass cage. Secondly, there have been a lot of questions about committee meeting times and I think some of it is cleared up by the daily schedules which are now before you. We also discussed this at a staff meeting this morning. For your information, until further notice, we would like to suggest the following: in the morning between eight and nine, procedural committees may meet as necessary for special matters. Nine o'clock, we will have a Convention session meeting like this to start each day. At ten o'clock until noon, beginning next week, there will be time for substantive committee meetings. In other words, all of next week from ten o'clock on in the morning can be substantive committee meetings, except on Friday, and on Friday from ten to twelve will be reserved for procedural committee meetings, and Style and Drafting and Public Information, at least, will always meet at those times, it is my understanding. Rules can meet if they need to. But in other words, ten to twelve on Fridays will be reserved until further notice for procedural committee meetings; otherwise, the mornings are free for substantive committee meetings after this week. Then the afternoons next week will all be reserved for substantive committee meetings. And for the chairmen's information, if you read your weekly schedule care-

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fully, you will see that Thursday afternoon and Friday afternoon of this week are also available for substantive committee meetings but you will see that today and Wednesday are really not available for committee meetings unless we finish our work. And Thursday and Friday mornings are not available. O.K., so much for the committee meetings, and you committee chairmen should schedule with Max Baucus if necessary. Now, I know we'll debate this as a rule later, but in any event it is the sense of the Chair and Mr. Baucus that we will attempt, when committees have major hearings set--formal hearings--on language perhaps later on, or whenever you want to call a very important hearing, we will try not to schedule other formal hearings at that time and we may actually cancel committee meetings if the hearing is important enough. Now, this would be later on. But we certainly will have to have simultaneous committee hearings in the sense of getting information in for the first week or two.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, without objection, may we be on Order of Business G of Mason's Rules, Reports of Standing Committees?

PRESIDENT GRAYBILL: Unless I hear objection, we'll go to reports of standing committees.

CLERK HANSON: (Reading) Mr. President, we your Committee on Rules and Resolutions submit and herewith are

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proposed permanent rules numbers one through seventy-nine and move their adoption. Signed, Marshall Murray, Chairman.

PRESIDENT GRAYBILL: All right, the Rules Committee has submitted Rules One through Seventy-Nine for adoption. For everyone's information, we will proceed on this matter as follows: We will take the rules up one by one; the Clerk will read the rules--you have them--they are substantially correct and where there are corrections, they will be given to you so you may correct them before you discuss them. The Clerk will read them; after the Clerk reads the rule, Mr. Murray will, as committee chairman, explain the rule. If there is no objection to the rule we will pass it. If there is objection to the rule, or if anyone wants to discuss it, we will discuss and debate and eventually vote on the language of the rule as we go along. When we have completed a section, we will vote on the section. When we have completed the process we will prepare a resolution which includes the completed rules and we will vote on the resolution. So, the Clerk will read the rules, you will then make your corrections, Mr. Murray will explain it, then we will ask whether you have any objections. If not, we will pass that rule. If you have objections, we will debate that rule and we'll settle that rule as we go along. All right, the Clerk, I believe, can start by reading Rule One.

CLERK HANSON: (Reading) Chapter One, General Pro-

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visions, Rule One - Quorum and Majority. A majority of delegates, as hereinafter defined, shall constitute a quorum for the transaction of business, but a smaller number may adjourn the Convention from day to day and may also compel the attendance of absent Delegates by the means approved by a majority, but not less than twelve, of the Delegates present and voting. A majority of Delegates may prescribe penalties for the non-attendance of Delegates. When a quorum is obtained, the affirmative vote of a majority of the Delegates present and voting is sufficient for the adoption of any motion or resolution or the taking of any action by the Convention or the Committee of the Whole except that under orders of business number five and number six and as otherwise specified in these rules, an affirmative vote will require the majority of the elected delegates for which no vacancy exists by resignation, expulsion under Rule Nineteen, or death.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, this rule was discussed in some detail yesterday. The committee recognize the comments of Delegate Heliker and decided not to change the rule and proposes it in its present form. The substance of the rule is this: that upon orders of business five and six, as we establish them in these rules, which would be what we call final consideration and adoption, and in those special instances which the rules themselves prescribe. I can think

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of two instances--one is for suspension or amendment of the rules and the other one for--well, it passes my mind for a moment but we discussed it yesterday. It would require fifty-one votes, or in the case of suspension of the rules, two-thirds of those voting and present, whichever is lesser. The reason being--with respect to order of business five, final consideration--that it is conceivable if it does not require fifty-one percent of the votes because of absences of that, you could get far beyond that stage of this Convention and find you did not have a majority of Delegates, fifty-one voting for your work product, and have no time or money with which to go back and do your work.

PRESIDENT GRAYBILL: Is there any question about Rule One?

Mr. Heliker.

DELEGATE HELIKER: Mr. President, what is the proper procedure at this point? Are amendments in order?

PRESIDENT GRAYBILL: If you want to amend the order that's right. We'll debate it if you want to. May I stop you for just one moment? Mrs. Babcock, if you'd stand and announce your presence, we'll show you present on the roll and you can vote if you want to after that.

DELEGATE BABCOCK: Present.

PRESIDENT GRAYBILL: Very well. Go ahead, Mr. Heliker.

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DELEGATE HELIKER: Mr. President, I would move an amendment to Rule One, adding a period after the phrase, Committee of the Whole, in the fourth line of the second paragraph, and deleting all words following that period.

PRESIDENT GRAYBILL: All right, if you want to explain, go on and explain your objection.

DELEGATE HELIKER: Yes. I stated my point of view on this yesterday but not everyone was here so I'll go over it again. I've done a little research overnight on this. What this means, as I see it, is that it will be possible--perhaps this will not arise at all and perhaps only once or twice--but it would be possible that a proposal favored by a majority of the Convention will be lost because of absenteeism from the Convention at the time the vote is taken. Let me give you a numerical example. Suppose that you have ten people absent when a final vote is taken on a proposal. Fifty present vote Aye, forty vote Nay. The most probable division of the ten absentees would be fifty percent on each side of the question, which means there would be fifty-five Delegates in the Convention in favor of the proposition and yet the proposition would be lost. Now, I looked through the material provided to us by the staff on the rules of other conventions, on rules of the 1889 convention, and the rules of the legislature, and I find that I'm bucking a tradition here as far as constitutional conventions are concerned, in

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all except one case and that was New Hampshire; there is a rule such as proposed here requiring an absolute majority of the number of elected delegates to pass finally any proposal. However, there is no such rule affecting the legislature of Montana. There was no such rule in the 1889 convention. There is generally no such rule applying to legislative or deliberative bodies. I believe that this is a denial of the basic concept of majority rule and I think, therefore, undesirable. Essentially what it is, is a requirement of an extraordinary majority, at least potentially. I ask myself how this rule got into rules of other conventions. I rather suspect, although I have no proof, that it was--it got there by some provision of an enabling act passed by a legislature which is not bound by it, and then was simply imitated, as it was imitated by our Rules Committee, from the rules of other conventions. I submit that although the possibility of it giving us the result I describe--that is, the failure of a proposition favored by a majority of the Convention, may be remote, nevertheless it is a possibility, and there is no real necessity for us to lay ourselves open to that possibility.

PRESIDENT GRAYBILL: Very well. As I understand it, the amendment is to strike out everything after the word, whole, and the sense of it is that final votes on parts of the Constitution and the final vote on the Constitution itself

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would be by a majority of those voting and not by a majority of the total body.

Mrs. Reichert.

DELEGATE REICHERT: I'd like to use a hypothetical situation because I'm not quite clear how this works and perhaps Mr. Murray could explain to me. Now, on a very controversial issue, such as gambling, if the committee that was handling that particular section recommends that we retain it in our Constitution; it's presented to our body as a whole; there are fifty voting in the affirmative. Now, there are forty voting against. Of the ten who are absent--most of them are probably ill or it's unavoidable--but let's say there is one Delegate who feels that if he were present he would be compelled, because of his constituents back home, to vote in the affirmative, but if he stays away he is casting a No vote and nobody knows it. I mean, if it's that close. Let's say it is a vote of fifty to forty. Now, it's lost. Now, how can this be alleviated--this problem? How can it be remedied under the rules as proposed by the Rules Committee?

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I think there are two distinct problems posed to me in the question. One is answered in the State of Pennsylvania, that being the question of how can an absent delegate cast a vote. Pennsylvania says that if a delegate is absent and he returns and a vote has been

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taken, he may express his vote. It does not affect the vote, however. It just simply indicates in the record how he would have voted had he been there. The second question--and that's the only state that talks about that matter at all--

DELEGATE REICHERT: (Inaudible. Speaker not turned on.)

DELEGATE MURRAY: He does not have to, no, when he returns. The second question is, yes, it would fail. Now, remember, we are not talking with respect to orders of business five and six, about any Committee of the Whole. We are talking about the final vote, in order of business number five --we are talking about the final vote, section by section, on any given committee proposal. That is probably the most important stage of this Convention at that time.

DELEGATE REICHERT: (Inaudible. Speaker not turned on.)

DELEGATE MURRAY: Well, I don't know where it would be but probably if it comes up in General Government it would probably come--it would be within their proposals. You are voting on that section and if at that final vote, if fifty-one don't vote for it, it is not carried under Rule Five.

DELEGATE REICHERT: (Inaudible. Speaker not turned on.)

PRESIDENT GRAYBILL: Is there any other discussion of this proposed amendment?

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Mr. Joyce.

DELEGATE JOYCE: To give another hypothetical--the reasoning of a substantial majority or the Rules Committee--

DELEGATES: We can't hear.

DELEGATE JOYCE: May I propose this hypothetical mathematical proposition. Assuming, under Mr. Heliker's example, that the vote is forty-nine to forty-one with ten absent, and we come to order of business number five and that is the vote. We then come onto order of business number six and the ten delegates who were absent are now present and all ten of those delegates then vote against the proposition. At order of business number six, the final adoption of the proposition, fifty-one have now voted No. While the proposition had carried before it now loses. We are at the very last stage of the Convention. The proposition has been defeated and we have no way of correcting it without--so this rule would eliminate that possibility. If the--hypothetically, if the votes are there to carry the proposition on order of business number five, the Rules Committee believes that if fifty-one have voted for it, presumably fifty-one will vote for it on order of business number six and we will eliminate the hypothetical possibility of carrying on five and losing on six.

PRESIDENT GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: I would like to speak in oppo-

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sition to the amendment of candidate, or Delegate Heliker. It seems to me we have two choices. One is the danger of defeating something that the majority of the Delegates are in favor of. There is the other danger of passing something that the majority of Delegates are not in favor of. It seems to me that the Rules Committee, in giving its proposition to us, is safeguarding the Convention of putting anything in final form that the majority of the Convention is not solidly in favor of.

PRESIDENT GRAYBILL: Mrs. Eck.

DELEGATE ECK: I would like to ask Mr. Murray how difficult would it be as we proceed, if a number of Delegates are going to be absent, when they see an important vote coming up, to add a process, a rule on pairing. Would this be difficult to do later in the session?

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, the question of pairing has been researched by the committee. We find the Congress of the United States using this all the time, the House and Senate of Montana using it all the time, and no other state constitutional convention speaking on the subject at all. We haven't taken any action within our committee because we were pressed for other things we were doing and I would suspect that the sense of the committee is that we will now come out with some form of pairing. It's not difficult

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to do that, if that's in answer to your question, and I think we will report out that way.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I'd like to direct a question to Mr. Murray if I may, please. Marshall, have you found any basis--legal basis--that says that the final document has to be passed by the absolute majority of this body?

DELEGATE MURRAY: No, Rick. I haven't examined the enabling act with respect to this rule but that would be the only thing I would know of unless the Constitution itself has --I suspect that if we are not bound by law, if we get to stage number six where we are on adoption of the proposed Constitution, and the ballot, and if we have some absences, we can then, in that one instance, suspend the rule and solve our problem. At least we wouldn't be suspending the rule in each section like we might be if we changed the rule for order of business number five.

PRESIDENT GRAYBILL: Is there any other discussion of the proposed amendment?

Mr. Aronow.

DELEGATE ARONOW: Mr. President, there is one thing in all of this discussion I think we have overlooked and I am sympathetic to Mr. Heliker's amendment, but I rise in support of the Rules Committee report for this reason, that if the proposition is so marginal that it cannot muster fifty-one

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votes out of this Convention, how will it fare on the ballot with the people of the State of Montana? We are, I suppose, a cross section of the people of Montana and if we are so divided in our support of a proposition or in the proposed article of the Constitution that we cannot muster fifty-one votes in favor, then I fear that at the polls the proposition will fare very badly.

PRESIDENT GRAYBILL: Are there other discussions? Mr. Felt.

DELEGATE FELT: Mr. President, I rise first to support the amendment of the gentleman from District Eighteen, but because I cannot accept it completely, I would like to make a substitute motion that the amendment to Rule One leave in the word, except, after the word, whole, where the previous amendment began to make its changes, and delete the words, that under order of business number five and number six and, but then continue to use the words, as otherwise specified in these rules, and then delete the rest of the proposed original rule, so that your amendment would read--would close with the words, except as otherwise specified in these rules. Mr. President and members of the Convention, it is not an issue which is probably going to arise at all or if it did, it would be infrequent. And for that reason, none of us perhaps are going to get into a lather about this, but we have great respect for the work of the committee. It would appear

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to me, however, that in the unusual event which could occur due to a severe amount of absences at a time when it was impossible to defer action, that we should have a rule under which we can proceed with the business of the Convention, and in the event that this never should occur, or if it became in some way obstreperous to the proceedings of the Convention, we can alleviate the rule. But I am not particularly concerned, at least about the presence or absence of precedence for the rule as provided by our committee, or the alternative proposed by the gentleman from District Eighteen. We do find in our state Constitution and in the federal Constitution numerous instances where an extraordinary majority is called for, such as the original ratification of our federal Constitution when it specified it must be done by nine states, or where it says that two-thirds vote of all members are required to override a veto, or to place upon a ballot some amendment to the Constitution, or any other specific time when an extraordinary majority is called for, they seem to require it to relate to all members of whatever body you are speaking of. But where you are dealing with the ordinary matters or when there is not some need for a special rule, they then call for a majority of those present and voting, and it would appear, therefore, that the logic was that in ordinary situations we should be prepared to permit action to be taken by those present and voting and only in the unusual situation would it be

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necessary to require that the numbers be measured by all who could be eligible to participate in a decision. For that reason, I would support either the motion made by the gentleman from District Eighteen or the substitute I proposed which would permit us to make exceptions to that general rule such as we have someplace in one of these sections dealing with motions for the previous question, where it requires a two-thirds vote, and I am not sure whether it says two-thirds of all members or two-thirds of those present and voting. But it would permit us to make any exceptions such as that and I believe it would give us the opportunity to take action so we would never get to the place where a vote such as forty-nine to forty-one would fail from giving us a decision. Thank you.

PRESIDENT GRAYBILL: All right. I understand the sense of Mr. Felt's second amendment to be that we would have a majority vote except as otherwise specified in the rules, instead of the way it was first amended. Now, is there discussion on his amendment--his proposed amendment?

Mr. Aasheim.

DELEGATE AASHEIM: Mr. President, I would like to direct a question to Delegate Murray.

PRESIDENT GRAYBILL: Very well.

DELEGATE AASHEIM: If we find ourselves in this predicament where we don't have the required number of Delegates here, can't we remedy the situation by a call of the house?

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DELEGATE MURRAY: Surely, except in Committee of the Whole where it's not authorized.

PRESIDENT GRAYBILL: All right, is there any other discussion of Mr. Felt's amendment?

(No response)

PRESIDENT GRAYBILL: Hearing no other discussion, the Chair will ask for an Ayes and Nays oral vote on that. My practice is going to be on these rules to ask for oral Ayes and Nays unless some Delegate wants a vote on the record. How, we'll go on the record if we need to but on all these amendments we'll only--we'll do it vocally unless the Chair is in doubt or unless someone asks. I'll ask that all those in favor of the amendment--the amendment--well, I'll state the amendment. The amendment would amend the second paragraph of Rule One so that it required the majority of Delegates except as otherwise specified in these rules. Now, so many as shall be in favor of that amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as are opposed say No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Nays have it. So ordered. Now, we are back on the amendment of Mr. Heliker. Is there any further discussion of his amendment?

(No response)

PRESIDENT GRAYBILL: All right, do you want to close

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on your amendment, Mr. Heliker?

DELEGATE HELIKER: I would just like to say that a call of the Convention is not an adequate answer to the problem. You can't very well call into session Delegates who are in the hospital if we should have a flu epidemic.

PRESIDENT GRAYBILL: All right, the Chair is ready to take a vote on the amendment to Rule One, Chapter One, the second paragraph, the sense of which would be that an affirmative vote of the Delegates present and voting is sufficient except--no, that's right--is sufficient. And the exception contained in the original rules would be wiped out. And the sense of this is that you would not need an absolute majority of this body to pass finally provisions of the Constitution or the Constitution itself. So many as shall be in favor of the amendment striking the exception, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as are opposed, please say No.

DELEGATES: No.

PRESIDENT GRAYBILL: Noes have it and so ordered. Now we are back on the basic amendment. Is there any other--the basic rule. Is there any other amendment that anyone wants to propose to Rule Number One.

Mr. Furlong.

DELEGATE FURLONG: Mr. Chairman, I would like to

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amend Rule One in next to the last line by inserting after the word, by, and before the word, resignation, the following: excused absence comma.

PRESIDENT GRAYBILL: I understand the sense of your motion to be that after the word, resignation, in the second to the last line--

DELEGATE FURLONG: No, before the word, resignation.

PRESIDENT GRAYBILL: Before the word, resignation, you would put in, excused absence, --resignation, expulsion--in other words, you have added another classification to the list of exceptions there?

DELEGATE FURLONG: Yes.

PRESIDENT GRAYBILL: All right. If you care to discuss--let's, before you discuss this, Mr. Furlong, let me make one thing clear. We are operating in Convention and I have checked Mason's, and under Rule 102, members may speak only once. I will certainly allow the person making the motion to speak and explain it first. I will allow him to close. You may, however, direct questions to Mr. Murray or Mr. Furlong or whomever made the motion and if you direct the question, we'll allow the answer but otherwise, put all your eggs in one basket.

Mr. Furlong.

DELEGATE FURLONG: Thank you. It seems to me that this amendment would partially answer Delegate Heliker's

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question, partially, and secondly, it would seem to me to apply to the philosophy of Rule Seventy-Eight, which would allow a present vote--a vote of present--not to be counted in the vote of record.

PRESIDENT GRAYBILL: Is there any further discussion on Mr. Furlong's proposed amendment adding the words, excused absence, to the list there?

Mr. Murray.

DELEGATE MURRAY: Mr. President, I fail to see where it accomplishes anything except exactly what Mr. Heliker wants and therefore I rise in opposition to the amendment.

PRESIDENT GRAYBILL: Is there any further discussion?

(No response)

PRESIDENT GRAYBILL: Very well, the question is on Mr. Furlong's amendment to the second paragraph of Rule One whereby, in the second to last line he would add there--delegates for which no vacancy exists by--he would add the words, excused absence, --resignation, expulsion under Rule Nineteen or death. So we have added excused absence to the list of exceptions there. So many as are in favor of the amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as are opposed, please say No.

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DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the amendment fails. We are back on Rule One. Are there further amendments to Rule One proposed?

(No response)

PRESIDENT GRAYBILL: If not, we will pass Rule One, as is, since it is not amended and there is no need to vote on it. I would like to announce that whoever owns a green Ford, license number 30-926, your lights are on. All right, will the Clerk read Rule Two.

CLERK HANSON: (Reading) Rule Two - Seat of Convention: The House of Representatives chambers in the State Capitol in the City of Helena, Montana, the foyer to said chambers and the south Senate lobby is designated Convention Hall and shall be the seat of the Convention. Sessions and hearings of the standing committees of the Convention may be held throughout the state as provided in Rule Forty-Two of these rules.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, the Delegates do not have Rule Two before them. As I explained yesterday, unless they were fortunate enough to receive one of the preliminary copies, but the final copy that was distributed yesterday did not contain this rule. This is merely the temporary rule which we have rewritten for placing in the permanent rules.

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PRESIDENT GRAYBILL: Does anyone wish it reread? Would you please reread it slowly, Mr. Hanson?

CLERK HANSON: (Reading) Rule Two - Seat of Convention: The House of Representatives chambers in the State Capitol in the City of Helena, Montana, the foyer to said chambers and the south Senate lobby is designated Convention Hall and shall be the seat of the Convention. Sessions and hearings of the standing committees of the Convention may be held throughout the state as provided in Rule Forty-Two of these rules.

PRESIDENT GRAYBILL: Is there any objection to Rule Two?

(No response)

PRESIDENT GRAYBILL: Is there any question about it?

(No resoponse)

PRESIDENT GRAYBILL: If not, we will pass Rule Two on the location. The Clerk will please read Rule Three.

CLERK HANSON: (Reading) Rule Three. Sessions of the Convention. All sessions of this Convention and all meetings of its committees shall be open to the public and the news media.

PRESIDENT GRAYBILL: Is there any question about Rule Three?

(No response)

PRESIDENT GRAYBILL: Hearing no objections, Rule

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Three is passed. Will the Clerk read Rule Four.

CLERK HANSON: (Reading) Rule Four. Admission to Floor - Defined. Only delegates, officers, employees, members of the news media, and such other persons as may be authorized by the President shall be admitted to the Convention Hall one-half hour prior to the commencement of the session, during the session, and within one-half hour after adjournment.

PRESIDENT GRAYBILL. Is there any question about Rule Four?

Mr. Toole.

DELEGATE TOOLE: Does that include interns?

PRESIDENT GRAYBILL: Pardon?

DELEGATE TOOLE: Does that include interns?

PRESIDENT GRAYBILL: I think interns are considered employees.

DELEGATE MURRAY: Interns are employees. It includes them.

PRESIDENT GRAYBILL: Yes, I think it would include interns. At least it would be my ruling unless somebody had a different idea.

Mr. Champoux.

DELEGATE CHAMPOUX: It is the custom of the legislature that they have invited guests at times. Would we have that privilege?

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(At this point there was a power outage in the Convention Hall.)

PRESIDENT GRAYBILL: The rule says, and other persons as may be authorized by the President, and the President intends to authorize a reasonable number of invited guests, but the point is, if it gets out of hand we could then restrict it. And I believe the procedure would be that if you wanted to invite a guest--I will make an announcement regarding invited guests--but probably if you want invited guests, you should notify me.

Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman, I move to amend Rule Four by striking after the last comma, after the word, session, the words, and within one-half hour after adjournment. Mr. President, I do this now because I feel that there are times when we might welcome a lobbyist, we might want to consult with him on an issue, and to deny him access to this Convention Hall might be detrimental to the proper functioning of our wishes. I can see that there are times when a lobbyist might abuse this privilege but if we find that they do, we could then institute this phrase if we so desire.

PRESIDENT GRAYBILL: I understand it to be the sense of Mr. Aasheim's proposed amendment that we would keep people off the floor for the half hour before and during the session, but as soon as the session adjourned, lobbyists or

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others could immediately come on and we would not have the half hour sanctuary afterwards. Is there discussion on the proposed amendment?

Mr. Murray.

DELEGATE MURRAY: Mr. President, I'd like to point out that this is a redraft of a temporary rule and as you know, the House-Senate rules for the legislature of Montana provide an hour and we have shortened it as is.

PRESIDENT GRAYBILL: Is there any further discussion?

(No response)

PRESIDENT GRAYBILL: Very well, the question will be on Mr. Aasheim's amendment to Rule Four, striking the words, and within one half hour after adjournment, the purpose of which is to say that the Convention Hall would be available for persons other than those listed immediately upon recess or adjournment. So many as are in favor of the amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as are opposed, say No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Chair feels the Nays have it and so ruled.

CLERK HANSON: There is a call for division.

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PRESIDENT GRAYBILL. All right. There is a call for a division and we will need the voting machines. Oh, we haven't got any lights. I think the voting machine is off.

DELEGATE AASHEIM: Mr. President, I withdraw my amendment.

PRESIDENT GRAYBILL: Mr. Murray has not done this on purpose. All right, we are going to let Rule Four go. Are there any other proposed amendments to Rule Four?

(No response)

PRESIDENT GRAYBILL: Are there any further amendments to Rule Four?

(No response)

PRESIDENT GRAYBILL: If not the Chair will consider Rule Four passed without amendment. Will the Clerk read Rule Five? Just a minute. Mr. Murray, do you want to vote on the whole Section One, Chapter One?

DELEGATE MURRAY: Mr. President, I move the Convention adopt Rules One, Two, Three and Four, being Chapter One of the rules.

PRESIDENT GRAYBILL: Since we have no machine at this time, the Chair will take the vote by Ayes and Nays. The motion is that Chapter One of the proposed rules be adopted. All those in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Those opposed say Nay.

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(No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Chapter One is passed. Now will the Clerk read Rule Five?

CLERK HANSON: (Reading) Chapter Two, Officers and Employees. Rule Five - Officers of the Convention. There shall be elected from the Delegates by majority vote the following permanent officers: a President, a first Vice President, two additional Vice Presidents, one from each Congressional District, and a Secretary. The President shall nominate an Executive Director, whose nomination shall be ratified by the Convention and who shall be subject to removal by the Convention. The salary of the Executive Director shall be established by resolution of the Convention.

PRESIDENT GRAYBILL: All right, are there any discussions or proposed amendments to Rule Five?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will presume Rule Five passed. Will the Clerk read Rule Six?

CLERK HANSON: (Reading) Rule Six - Duties of the President. The President shall preside at sessions of the Convention and of the Committee of the Whole, and exercise the usual powers and perform the usual duties of a presiding officer. He shall preserve order and decorum and fairly assign floor rights. He may speak to points of order and, subject

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to an appeal to the Convention or to the Committee of the Whole, shall decide points of order. The President shall be chief executive of the Convention, and all other officers and employees shall be responsible to his general supervision. Together with the Secretary of the Convention, he shall authenticate by signature all proposals, resolutions or other formal acts adopted by the Convention. He shall cause to be prepared and furnished to each Delegate a daily calendar and agenda of business for each session of the Convention. He shall, with the advice of the Committee on Administration, prepare a budget and submit it to the Convention for its approval on or before January twenty-first, 1972. Every two weeks thereafter, he shall submit to the Convention a report of the expenditures of the Convention for the preceding two weeks. He shall, with the advice of the Committee on Administration, let bids and award contracts for materials and services.

(At this point, power was restored.)

He may vote in all elections, on all decisions called for by any Delegate, and on all questions taken by ayes and nays, except that the President may not vote twice, once to cause a tie vote and then again to break it. He may appoint any Delegate to preside temporarily at any session of the Convention or any Committee of the Whole, but not for longer than one day at a time without leave of the Convention.

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PRESIDENT GRAYBILL: Are there any amendments or discussions to Rule Five--Rule Six?

Mr. Cate. Oh, you're just sitting down. O.K. Any amendments or discussion of Rule Six?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Six. Will the Clerk read Rule Seven?

CLERK HANSON: (Reading) Rule Seven - Duties of the Vice Presidents. The first Vice President shall have such duties as the President may assign, and shall preside as President in case of the sickness or absence of the President, or in case of a vacancy in the office of President. The two additional Vice Presidents shall have such duties as shall be assigned by the President; neither shall have the right of succession.

PRESIDENT GRAYBILL: Is there any discussion or amendments to Rule Seven?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Seven.

CLERK HANSON: (Reading) Rule Eight - Duties of the Secretary. The Secretary shall have custody and preserve all proposals, resolutions, committee reports and all other records, books, documents and papers of the Convention. He shall not permit them to be taken out of his custody except

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in the regular course of the business of the Convention. He shall certify and deliver to the Secretary of State the revisions, alterations or amendments to the Constitution as approved by the Convention for submission to the electorate. The Secretary shall keep a journal of the proceedings of the Convention in conformity with the rules, supervise the daily publication thereof, and make such corrections as may be necessary. He shall furnish each Delegate a copy of the proceedings of the previous day. The journal shall be considered the approved journal of the Convention, unless otherwise ordered thereby. The Convention reporter shall keep a verbatim record of Convention proceedings and shall, within the time prescribed appointment by the Convention, provide a verbatim transcript of all proceedings had in Convention sessions and the sessions of the Committee of the Whole. He shall have such other duties as stipulated in these rules, but, after consultation with the President, he may delegate part of these duties to the Executive Director or another employee designated by the President. He may not, however, delegate the duty of certifying the revisions, alterations or amendments to the Constitution approved by the Convention for submission to the electorate.

PRESIDENT GRAYBILL: Mr. Murray, would you care to explain to the Convention the language, particularly about the journal?

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DELEGATE MURRAY: It is--this matter again is one by which we are bound by the enabling act, requiring us to keep some verbatim proceedings of the sessions of the Convention itself and the rule speaks to that. With respect to the journal, it is the committee's desire that we not have an order of business, and no order of business is set forth in our proposed order of business called journal. The Secretary merely reports as to the correctness of the journal and should there be a correction, it can be made at any time to the Convention and will be considered by the Convention, and I would at this time ask that the word, appointment, which appears in the fourth line from the bottom of the third paragraph as read--it should be, within the time prescribed by the Convention--rather than within the time prescribed appointment by the Convention. That was at one time stricken and now appears inadvertently.

DELEGATE: (Inaudible. Speaker not turned on.)

DELEGATE MURRAY: In the fourth line--do you have--start your paragraph--The Secretary shall. . .; then, He shall certify and deliver . . .; and then it says, The Secretary shall keep a journal. In the fourth line from the bottom of that paragraph the sentence reads: proceedings and shall, within the time prescribed--and then there's the word, appointment. It was at one time striken by us and somehow it reappears and it should be--I would move that it be striken.

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PRESIDENT GRAYBILL: All right, the Chair will presume that your rule as proposed would read, within the time prescribed by the Convention and if everyone will make a note of that on their copies, that will be the sense of the rule as proposed. Now, is there any--and we have checked with Mrs. Bowman and she does not mind being referred to as he. She says that's better than it. That's her verbage, not mine. All right. Now, is there any question about Rule Eight?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Eight, especially including the change that the chairman of the Rules Committee made there.

CLERK HANSON: (Reading) Rule Nine - Duties of the Executive Director. The Executive Director of the Convention shall be primarily responsible for the administration of the Convention under the authority and supervision of the President.

PRESIDENT GRAYBILL: Is there any discussion of Rule Nine?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will consider Rule Nine passed. Read Rule Ten, please.

CLERK HANSON: (Reading) Rule Ten - Vacancies. If a permanent vacancy occurs in both the offices of President and First Vice President, the Secretary shall temporarily pre-

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side until the Convention elects a President and First Vice President to fill the offices in the same manner in which the officers were first elected. If a permanent vacancy occurs in the office of any of the other Vice Presidents or in the office of the Secretary, the President shall appoint a member to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected.

PRESIDENT GRAYBILL: Is there any discussion or any amendments to Rule Ten?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Ten.

CLERK HANSON: (Reading) Rule Eleven - Employees of the Convention. The Committee on Administration, after consultation with the President, shall appoint such employees as may be necessary for the effective operation of the Convention. The titles of their positions, and their salaries shall be established by the Convention.

PRESIDENT GRAYBILL: Is there any discussion or amendment proposed to Rule Eleven?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Eleven.

Mr. Murray.

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DELEGATE MURRAY: Mr. President, I move the adoption of Rules Five through Eleven, being Chapter Two of the proposed rules.

PRESIDENT GRAYBILL: All right, the motion is to adopt Chapter Two of the proposed rules, Rules Five through Eleven. So many as shall be in favor of that motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. The Clerk will please read Rule Twelve.

CLERK HANSON: (Reading) Chapter Three, Rule Twelve - Assignment of Seats. The permanent seats of the Delegates shall be assigned by the President in the following order: alphabetically from left to right while facing the Chair and from the front to the rear. Variations in this seating may be authorized by the President for the officers of the Convention. If a vacancy occurs, the person selected to fill the vacancy shall continue to have the seat of the Delegate who vacated the position.

PRESIDENT GRAYBILL: Is there any discussion or amendment proposed to Rule Twelve?

(No response)

PRESIDENT GRAYBILL: Hearing none, Rule Twelve will be passed. Rule Thirteen.

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CLERK HANSON: (Reading) Rule Thirteen - Conduct in Debate. When any delegate is about to speak in debate or to present any matter to the Convention, he shall rise from his seat and address himself to Mr. President, except when in the Committee of the Whole and then to Mr. Chairman. He shall not speak until recognized, and when recognized he shall confine himself to the question under consideration and avoid personalities and offensive language. Questions of privilege shall be governed by Chapter Twenty-Three of Mason's Legislative Manual.

PRESIDENT GRAYBILL: All right, I take it, Mr. Murray, that last is an amendment. Do you want to speak to that?

DELEGATE MURRAY: The last language is placed in the rules at the request of Mr. Romney, considered to be valid by the committee. He thought that when we were talking about personalities and offensive language would be the proper place to speak to the question of privilege; rather than spell out all of the rules related to the question of privilege, we refer the Convention to Chapter Twenty-Three of Mason's Manual which is in detail.

PRESIDENT GRAYBILL: Would you repeat the exact language, please?

CLERK HANSON: Questions of privilege shall be governed by Chapter Twenty-Three of Mason's Legislative Manual.

PRESIDENT GRAYBILL: All right, we'll open this for

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questions or discussion or amendment.

Mr. Mahoney.

DELEGATE MAHONEY: I'd like to ask the chairman, could we have that put into the rules? There's a lot of people that don't have Mason's Manual, and could this be written out in detail so they would know exactly what they're talking about when the rules are finally published?

DELEGATE MURRAY: Mr. President, I guess the answer to the question is, yes, we could--that being possible. But we have ordered fifteen copies of Mason's; they will soon be available. We have five or six editions of Mason's now available. There will always be a copy in the Rules Committee room and one in my desk available to any Delegate at any time. Mr. Toole has the book and there are one or two other copies around, I think, so I believe we are pretty well covered. We have a rule which says that Mason's shall govern in any instance, in any problem that is not covered specifically by these rules and, Charlie, were we to anything with Mason's to spell it out, I would suggest that we simply add Chapter Twenty-Three as an addendum, rather than to put it in our rules at this point.

DELEGATE MAHONEY: The only thing I think of, Mr. President, is this--these members, now they've got to run around and he gets into a discussion, into a debate here, and what is the rule? He's got to run out and he's got to hunt

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Mason's, and if you'll know, it's a real thick volume, and I think we could afford this much, to let them know what the rules are, Mr. Chairman, of this Convention, so the individuals would know. I'm just trying to protect their rights. I can read Mason's myself but it's quite lengthy and I'd like to see everybody know exactly the rules we are operating under.

PRESIDENT GRAYBILL: Now, the Chair would like to advise the Convention that the Chapter Twenty-Three of Mason's is five pages long. It has the following sections: a section called, What is a Question of Privilege; a second one, Privilege of the House; third, Question of Personal Privilege; fourth, Questions Not Constituting Personal Privilege; fifth, Personal Explanation; sixth, Procedence of Questions of Privilege; seventh, Matters of Raising a Question of Privilege. Now, that's what Chapter Twenty-Three of Mason's deals with. There are at least ten copies around and we have ordered fifteen and I understand each committee will have one and there will be several in the Rules office, and there are several in our office. But I--you may do anything you want, but I want you to know what you are talking about. There's about five pages on privilege in Chapter Twenty-Three. Is there further discussion? Now, Mr. Mahoney, I take it that you haven't made an amendment.

DELEGATE MAHONEY: No, I haven't made an amendment, Mr. President. All I'm trying to do is let everybody know

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what's going on.

PRESIDENT GRAYBILL: Right. So, for the moment, we are discussing this rule and especially the language at the end that was added to Rule Thirteen by the committee. Is there further discussion? Does anyone care to make an amendment?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Thirteen, including the language not on our sheets but read to us as a Rules Committee amendment.

CLERK HANSON: (Reading) Rule Fourteen - Delegates Called to Order. The President or any Delegate may challenge any other Delegate who, in speaking, violates the rules of the Convention. Upon such challenge, the President may order the speaker to sit down. The President's order to sit down, or the failure of the President to order the speaker to sit down may be appealed.

PRESIDENT GRAYBILL: Is there any discussion or amendment to Rule Fourteen?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Fourteen.

CLERK HANSON: (Reading) Rule Fifteen - Dissent of Delegates. Any two or more Delegates shall have the liberty to dissent from and protest in respectful language against any

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action or resolution relating to the Convention which they think injurious to the public or to any individual, and have the reasons for their dissent entered upon the journal.

PRESIDENT GRAYBILL: Is there any discussion or amendment to Rule Fifteen?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Fifteen.

CLERK HANSON: (Reading) Rule Sixteen - Times a Delegate May Speak. Except as provided by Rule Twenty-Eight, no Delegate may speak more than once on the same question without leave of a majority of those present and voting unless he be the mover of the matter pending or chairman of the committee that reported it, in which case he shall be privileged to speak twice.

PRESIDENT GRAYBILL: Mr. Murray, do you want to explain that, or does anyone want an explanation of that?

(No response)

PRESIDENT GRAYBILL: The point being, that's in Convention and in Committee of the Whole you may speak more than once. In Convention, as we're doing this morning, you may speak once on any motion. Anyone have any discussion or amendment to Rule Sixteen?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will

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pass Rule Sixteen.

CLERK HANSON: (Reading) Rule Seventeen - General Limit on Debate. No Delegate shall speak longer than ten minutes at any one time, nor more than once on the same question, except by leave of the Convention; except that the Delegate handling a proposal shall have the right to speak no longer than five minutes to close debate, even if the previous question has been ordered and even if he has spoken once before on the issue. The restriction imposed by this rule shall not be applicable to chairmen and vice chairmen of committees when the latter are presenting a report of their committee to the Convention or to the Committee of the Whole, and the same exemption from the requirement of this rule shall also be applicable in the case of the chief spokesman for a minority report of a committee of the Convention. Any Delegate shall have one minute to explain his vote on any roll call vote on proposals or amendments to proposals anytime prior to the closing of the vote on the question.

PRESIDENT GRAYBILL: Is there any discussion of Rule Seventeen, or amendment?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Seventeen.

CLERK HANSON: (Reading) Rule Eighteen - Absence of Delegates. No Delegate shall absent himself from the ses-

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sions of the Convention unless he have leave or be sick, or his absence be unavoidable.

PRESIDENT GRAYBILL: Any question or discussion on Eighteen?

Mr. Champoux.

DELEGATE CHAMPOUX: Is there a procedure lined out? Do we call into the main office for absence or how are we going to do this?

PRESIDENT GRAYBILL: Well, we're being very liberal with you but we don't--I don't have any particular procedure. Just a moment. The Sergeant's office or the Clerk's office has a form. Does the form require my signature? In other words, he makes--he applies and it comes to me, is that it? So, there's a form on which you can apply, but if you don't, why I do it anyway for you. But if you want to use the form, O.K. Is there any other discussion of Rule Eighteen?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Eighteen.

CLERK HANSON: (Reading) Rule Nineteen - Disrespectful or Contemptuous Behavior of Delegates. The Convention may, by a vote of two-thirds of the Delegates elected and serving, hold a Delegate guilty of disrespectful or contemptuous behavior in its presence. If any Delegate is held guilty of disrespectful or contemptuous behavior in the presence of

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the Convention, he may be deprived of his committee assignments, denied speaking privileges, and denied secretarial and staff aid, or suspended or expelled. Such penalties and the duration thereof must be encompassed in the motion holding guilty.

PRESIDENT GRAYBILL: Is there any question or discussion about Rule Nineteen?

Mr. Cate.

DELEGATE CATE: Mr. Chairman, I have done some research on this question. I have gone through the rules of the other conventions and I have found no similar rule in any of the rules of any other convention. New York does have a contempt citation for violation of their rules, and Pennsylvania has a provision on disorderly conduct. I would like to offer at this time a substitute rule to read as follows, which is based upon the New York and Pennsylvania, and when you tie this in with Rule Thirteen and Fourteen, which we already have governing conduct of Delegates, I think it's an effective an instrument as we need. In effect, what it does--this rule that I'm going to propose does--is allow the Convention to hold someone who is out of order in contempt and permits them to purge themselves of that contempt, which is appropriate, and during the period of time they are in contempt, they are denied the privileges of the floor, which would mean the right to vote, the right to speak, the right to participate in the

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proceedings. I think it is a much more reasonable, much more enlightened rule.

PRESIDENT GRAYBILL: Mr. Cate, they're having a hard time getting you. Hold that a little further away and just talk normally.

DELEGATE CATE: O.K.

PRESIDENT GRAYBILL: Try that.

DELEGATE CATE: This--my rule would be as follows: Any Delegate who persists in disorderly conduct, after being warned by the President that he is out of order, may, by motion duly made and carried by a two-thirds majority of the Delegates present, be held in contempt of this Convention and be required to purge himself of such misconduct, and until such Delegate has purged himself he shall not be entitled to the privileges of the floor. And I think that would handle the situation which apparently the Rules Committee was trying to reach, that of the Delegate who is misbehaving on the floor of the Convention. Thank you.

PRESIDENT GRAYBILL: Mr. Cate, can you supply the Chair and the journal with a written copy of that? Have you got it there.

DELEGATE CATE: (Inaudible. Speaker not turned on.)

PRESIDENT GRAYBILL: Well, lend it to us, will you? Now, Mr. Blaylock.

DELEGATE BLAYLOCK: I would like to ask Mr. Cate a

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question. How would a Delegate purge himself of the bad conduct?

DELEGATE CATE: The normal procedure in a court of law is to purge yourself of the conduct and the Convention could set the means by which he does that. If the situation calls for a public apology to another Delegate or a public apology to the Chair, the conditions can be laid down for him to purge himself. Yes, by the Convention.

PRESIDENT GRAYBILL: Is there--does the--before you debate it, do you want it read again?

DELEGATES: Yes.

PRESIDENT GRAYBILL: All right, I'll read it again. Proposed Rule Nineteen, or substitute Rule Nineteen. Any Delegate who persists in disorderly conduct, after being warned by the President that he is out of order, may be--by a motion duly made and carried by a two-thirds majority of the Delegates present--that's may, by motion duly made and carried by a two-thirds majority of the Delegates present, be held in contempt of this Convention and be required to purge himself of such misconduct, semi-colon, and until such Delegate has purged himself he shall not be entitled to the privilege of the floor. Is there discussion or debate on this proposed amendment?

Mr. Mahoney.

DELEGATE MAHONEY: May I ask the gentlemen--Mr. Cate

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a question? Jerry, I'm just trying to see--I haven't got it exactly plain. First he has to be convicted, is this right?

DELEGATE CATE: That's right.

DELEGATE MAHONEY: Now, you have now changed the conviction from two-thirds of the entire membership to two-thirds of the membership present, is that correct?

DELEGATE CATE: That's correct.

DELEGATE MAHONEY: I just wondered--I just wondered --now we have had some other things, but this becomes very critical at times, that maybe you've got a lot of people sick or something and then they decide to take a Delegate on at that time, and I'd like to see this two-thirds of the entire membership left in there on the purging of a Delegate.

DELEGATE CATE: Well, I have no objection to that.

PRESIDENT GRAYBILL: Well, now, the Chair wants to know when you say you have no objection, have you amended--

DELEGATE CATE: I would move to amend that to include--

PRESIDENT GRAYBILL: So now it's going to be a two-thirds majority of all Delegates?

DELEGATE CATE: (No audible response. Speaker off.)

PRESIDENT GRAYBILL: There's a--the Chair will allow the--

DELEGATE MURRAY: Point of order.

PRESIDENT GRAYBILL: --the mover to amend his pro-

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posal.

DELEGATE MURRAY: Mr. President, if he's taking this from some other state, what rule is he talking about and what other state so those of us who have a booklet can look at it.

DELEGATE CATE: It's Rule Eighteen, primarily, of the Pennsylvania rules--yes, the Pennsylvania rules, which is on page one ninety one of the manual on rules that was given to us, Memorandum on Constitutional Convention Rules, and then on the New York Convention, it's page one fifty-eight, which is Rule Nineteen of the New York Convention.

PRESIDENT GRAYBILL: Hold that mike a little further away. Nineteen in New York?

DELEGATE CATE: Yes.

PRESIDENT GRAYBILL: Rule Nineteen in New York. Is there any further discussion of this proposed rule?

Mr. Romney.

DELEGATE ROMNEY: Mr. President, I believe the substitute calls for just the President. It doesn't say President or Chairman. Then it would just pertain to meetings of the Convention and not the Committee of the Whole, right?

PRESIDENT GRAYBILL: It does only call for the President and I suppose it would be interpreted to apply only to what happens here and not in committee.

DELEGATE CATE: Mr. President.

PRESIDENT GRAYBILL: Yes, Mr. Cate?

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DELEGATE CATE: That would not be my intention. If necessary, I would again move to amend--to use the word, presiding officer. It might be the appropriate word to use.

PRESIDENT GRAYBILL: All right, you want to say anybody who persists in disorderly conduct, after being warned by the President or any committee chairman?

DELEGATE CATE: Or presiding officer, I think.

PRESIDENT GRAYBILL: Are you talking about other presiding officers here or are you talking about the whole Convention.

DELEGATE CATE: Well, my intent was to relate to this Convention Hall. I think the committee is a different situation that I did not intend to deal with. Perhaps the right wording would be, the President or the Chairman of the Committee on the Whole, and that would cover the situation.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Marshall.

DELEGATE MURRAY: I move we pass consideration of Rule Nineteen until we can see what this finally results in, in some draft. I hate to amend these rules without looking at them because we have looked at these rules and writing for some time. I think if Mr. Cate would examine the rules of Maryland he would find this one.

PRESIDENT GRAYBILL: Mr. Cate, would you allow us to pass this one until a later time this morning or this after-

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noon?

DELEGATE CATE: Yes.

PRESIDENT GRAYBILL: All right, unless there is objection from the floor, we will pass this one and the Chair will bring it up again either this morning or the first thing after lunch and in the meantime everybody can look up New York and Pennsylvania Rules Nineteen and Eighteen, and Mr. Cate might firm up his language, and we'll go ahead. All right, we will pass in a different sense--we will skip Rule Nineteen for the time being and we will now read Rule Twenty.

CLERK HANSON: (Reading) Rule Twenty - Disclosure of Personal Interest. Any Delegate who has a significant personal or private interest, economic or otherwise, in a matter before the Convention shall disclose this interest to the Convention.

PRESIDENT GRAYBILL: Is there any discussion or amendment to Rule Twenty?

Mrs. Bowman.

DELEGATE BOWMAN: Mr. President, I question the necessity for this rule because it seems to me there is no possible way to enforce it and I wonder if it needs to be included at all.

PRESIDENT GRAYBILL: Is there any other--

Mr. Aasheim.

DELEGATE AASHEIM: I concur with that statement. I

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think the people have made that determination when they elected us and I don't think it's necessary at all. They have made this--they have made us Delegates, no matter what our financial or economic or social status.

PRESIDENT GRAYBILL: Mr. Artz.

DELEGATE ARTZ: Mr. President, I, too, concur that this should be deleted in its entirety--

PRESIDENT GRAYBILL: Hold it further away, Bill.

DELEGATE ARTZ: --should be deleted in its entirety. It's ambiguous. I can't understand it. The Delegates I've talked to think it applies to all of us but we don't want to be jumping up and down and saying, I have an interest in this, when we get into the bill of rights or taxation or what-have-you. Thank you.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Just by way of explanation, this is a rule which appears in almost all the other rules. I don't have any personal feeling about the matter at all, nor, particularly, I am sure, does the committee but it looks very nice to the public.

PRESIDENT GRAYBILL: Now, Mrs. Eck.

DELEGATE ECK: I'd rather like to second this. I think right now the public is very concerned about the right to know and where I don't see many occasions where a significant private or economic interest would affect anything we are

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dealing with, I think it's a good thing to leave in and in a case we arrive at a point where there is such an interest, I think it would be very fine if a Delegate would get up and declare his interest. I think this applies much more to legislative bodies than it does to the kinds of matters we are dealing with, but as a precedent, I think it's a very good thing to have.

PRESIDENT GRAYBILL: Mr. Berg.

DELEGATE BERG: Mr. President, I should like to ask a question of Mr. Murray. Will this preclude, for example, a lawyer from discussing judicial matters without first saying that he has a professional interest?

DELEGATE MURRAY: To discuss such a matter? I don't think we intended to prohibit discussion but the intent may be to prohibit a vote.

PRESIDENT GRAYBILL: Does it--no. It says, shall disclose.

DELEGATE BERG: Does it require, for example, myself discussing any matter that comes out of the Judiciary Committee, to first announce that I am a lawyer?

DELEGATE MURRAY: I think the intent of the rule is to let the other Delegates know in some manner, if they don't already know, that when you speak on something that is of personal or economic or private interest to you, that you speak from a point of prejudice or bias.

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PRESIDENT GRAYBILL: Mr. Drum.

DELEGATE DRUM: Mr. President, the relativity of the word, significant, may be one which could come back to haunt us and I feel that the method of disclosure should be fairly well spelled out. An item that may be significant to one person may be insignificant to another and I think there should be some determination, if we are going to include this. It could be innocuous in most cases but it sure could come back at a later time to haunt the Convention or the Delegates in this Convention.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, you have passed this morning where it's going to take a majority of all Delegates to pass anything. Now, this would be a great thing for somebody to get up and say, I have an interest, and doesn't vote. And, I'm just wondering if we want to go quite that far in this. I think that everybody was elected--I have to agree with the distinguished gentleman, Mr. Aasheim--that everybody was elected, everybody was known, and they knew what they done --I'm sure it was went over that well enough--and this would be a great place for a person to say, I don't want to vote. I think this could be used and if this majority thing that was passed this morning is a great inference right on this.

PRESIDENT GRAYBILL: All right, first of all, we should all hold those mikes six inches away and don't fight

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it. O.K. Secondly, I'd like to point out, Mr. Mahoney, it doesn't have anything to do with whether you vote or not. Read the rule.

DELEGATE MAHONEY: It could very well be an excuse, Mr. President, and I don't know what--after a person said, I have an interest--you would--it would be non--you--we couldn't force him to vote. I think this would be very touchy.

PRESIDENT GRAYBILL: O.K., Mrs. Erdmann.

DELEGATE ERDMANN: Mr. President, I rise in support of this rule, no so much in the matter of economic interest disclosure but as a matter of interest to the other Delegates. They have already pointed out that when someone speaks on a judicial matter it would be wise for them to say, I am a lawyer. It doesn't certainly preclude them from debate or making a vote, but we are going to have many matters on education and I think the same rule would be very informative to the rest of the Delegates if the person speaking would say, I am a teacher, or, I am connected with education in some way. I think this is a good rule. Thank you.

PRESIDENT GRAYBILL: Mr. Vermillion.

DELEGATE VERMILLION: I expect that somewhere along the line we are going to be getting this biographical information on all the Delegates we assume have filled out this form and this is going to be coming out--what occupations we are. Maybe we could make the assumption under this rule--I speak in

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favor of the rule--but maybe we could make the assumption under this rule that with this biographical information, it would show what occupation we are and what interests we have and we could let it go at that. But if we have some other interests that might prejudice us or bias us in some manner before the convention, we might disclose that, but as far as occupations or what not are concerned, the biographical information that would be released would pretty much take care of this without having somebody, every time they spoke, announce beforehand what their occupation was.

PRESIDENT GRAYBILL: Mr. Kamhoot.

DELEGATE KAMHOOT: I agree with Delegate Erdmann on this. I see no problem in leaving this section in here. I think it dresses up the language of the whole proposal and I would certainly like to see it left in as it is.

PRESIDENT GRAYBILL: Mr. Monroe.

DELEGATE MONROE: Mr. President, I have no objection to the way--the idea of the statement. I would like to offer this amendment: Any delegate who--here's where the change comes--feels he or she--I would add that in there--has a significant personal or private interest, economic or otherwise, in a matter before the Convention shall--and another change--voluntarily disclose his interest to the Convention. This would be their choice and if they wanted to disclose they could; if they didn't want to, they wouldn't have to. But,

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given the biographical information that we would receive on everyone and if we thought that we had an interest, economic or otherwise, we could voluntarily disclose any of that information. We would not have to if we did not want to.

PRESIDENT GRAYBILL: All right, the Chair understands the sense of Mr. Monroe's amendment or proposed amendment is, any Delegate who--these new words--feels he or she has a significant personal interest, and so forth, in a matter before the Convention shall--and then add the word, voluntarily--disclose this interest to the Convention. Now, that's the amendment to be discussed. Is there any discussion of the amendment?

(No response)

PRESIDENT GRAYBILL: All right, the Chair will--oh, pardon me, Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, did Mr. Aasheim make a motion that we delete the whole section?

PRESIDENT GRAYBILL: No, he did not. Nobody has made a motion until now, gentlemen. If you want to make an amendment, amend.

Mr. Brown.

DELEGATE BROWN: Mr. President, I'm not worried about any Delegate having a personal interest that's going to affect this Convention and if the rule had never been put in there I would have no objection to leaving it out, but now

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it's been put in there. If we move now to delete it, I'm sure the press will have it tomorrow that we have now decided not to disclose our personal interests and for a good image, I hope we leave it in.

PRESIDENT GRAYBILL: All right, the discussion is on Mr. Monroe's amendment, making the disclosure voluntary and making it female and male--he and she. All right, is there any further discussion on that amendment?

(No response)

PRESIDENT GRAYBILL: All in favor of that amendment to make the disclosure voluntary and add the words, feels he or she has a significant interest, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the amendment fails. Now we are back on the original Rule Twenty and there are no amendments pending. Mr. Harbaugh.

DELEGATE HARBAUGH: I move that Rule Twenty-One be deleted.

PRESIDENT GRAYBILL: How about Twenty, since we are on that?

DELEGATE HARBAUGH: Twenty, I'm sorry.

PRESIDENT GRAYBILL: O.K. The motion of Delegate Harbaugh is that we delete Rule Twenty. Do you care to dis-

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cuss it, Mr. Harbaugh?

DELEGATE HARBAUGH: No.

PRESIDENT GRAYBILL: All right, is there any other discussion?

DELEGATE (Unidentified): Question.

PRESIDENT GRAYBILL: All right, all those in favor of deleting Rule Twenty in its entirety say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it. We are back on the Rule Twenty. Is there any other amendments?

(No response)

PRESIDENT GRAYBILL: Hearing no other amendments or discussion, the Chair is about to pass Rule Twenty. Pass Rule Twenty.

CLERK HANSON: (Reading) Rule Twenty-One--Vacancies. Vacancies occurring in the Convention shall be filled in the manner provided for filling vacancies in the legislative assembly as provided in Sections 43-215 and 43-216, R.C.M., 1947.

PRESIDENT GRAYBILL: Is there any discussions or questions?

Mr. Romney.

DELEGATE ROMNEY: I move that we delete Rule Twenty-

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One. May I speak on it?

PRESIDENT GRAYBILL: Yes, Mr. Romney.

DELEGATE ROMNEY: The reason I make this motion is because there is no need for a rule. The method is provided by law.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Rules Twenty-One and Twenty-Two are placed--I realize there is no reason for the rule--there isn't any reason to do what Mr. Romney wanted to do with respect to the rule where we put in the reference to the previous question, but when you're talking about vacancies and when you are talking about compensation, it appears to me that there should be some reference in the rule, and the rule is designed to refer the Delegates to the proper part of the law where the compensation and vacancy statutes are in detail.

PRESIDENT GRAYBILL: Is there further discussion of Mr. Romney's proposed amendment deleting Rule Twenty-One?

Mrs. Reichert.

DELEGATE REICHERT: I just have a question. Are you leaving, Mr. Murray? Delegate Murray, in reading about our first--it wasn't our first Constitutional Convention--it was the one in 1889, I believe--I read that Marcus Daly, on the third day, decided that he had some important business in Silver Bow County and just left the Convention and never came back. And what did they do about replacements then, if any-

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thing?

DELEGATE MURRAY: I'm sorry, but I don't have any idea.

PRESIDENT GRAYBILL: All right, we are discussing Mr. Romney's motion that we delete Rule Twenty-One. Is there any further discussion?

DELEGATE MURRAY: I don't think we have any flexibility in the matter at all. We either don't have the rule and let the statute speak for itself, or we have the rule with reference to the statute.

PRESIDENT GRAYBILL: All right. Mr. Romney.

DELEGATE ROMNEY: Mr. President, I withdraw the motion. I wanted to bring the fact up that there is some dead wood in there and also permit the Delegates to realize where you could get the information.

PRESIDENT GRAYBILL: Mr. Romney has withdrawn his motion, now that we are properly instructed. The Chair will pass Twenty-One unless there is objection.

CLERK HANSON: (Reading) Rule Twenty-Two--Compensation of Delegates. For each day of the organization, plenary and signing sessions of the Convention, Delegates shall be paid the same per diem and expenses as provided in Section 43-310, R.C.M., 1947, for members of the legislative assembly. Delegates shall be entitled to mileage for three trips to and from their residences and Helena by the nearest traveled route

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at the rate provided for the legislative assembly in Section 43-310, R.C.M., 1947. The President and First Vice President shall be paid the same per diem and expenses as the President of the Senate and Speaker of the House of Representatives, as provided in Section 43-311, R.C.M., 1947.

PRESIDENT GRAYBILL: Are there amendments or discussions of this rule?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Twenty-Two. Mr. Murray, do you want to make a motion that we pass Chapter Three?

DELEGATE MURRAY: Mr. President, I move that we adopt Rules Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty, Twenty-One and Twenty-Two, passing Rule Nineteen for this time.

PRESIDENT GRAYBILL: All right. We have passed Rule Nineteen that Mr. Cate has a question on, or has a substitution on and without Rule Nineteen being considered, all those in favor of passing Chapter Three with that deletion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

(No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Will you read Rule Twenty-Three?

CLERK HANSON: (Reading) Rule Twenty-Three --

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Committee of the Whole. All proposals reported by any substantive committee of the Convention shall be referred to the Committee of the Whole and become general orders to be placed upon the calendar and agenda of the Committee of the Whole by the President. No committee proposal shall be considered by the Committee of the Whole until the second session day after it has been referred to the Committee of the Whole, nor until the day after the duplicated committee proposal has been placed on the Delegates' desks, unless the Convention agrees to its earlier consideration.

PRESIDENT GRAYBILL: Is there any discussion or are there any amendments to proposed Rule Twenty-Three?

Mr. Mahoney.

DELEGATE MAHONEY: I stated yesterday that I would like to see that jumped up to the third day and then I further studying it--am I out far enough here now?

PRESIDENT GRAYBILL: That's good.

DELEGATE MAHONEY: After further studying it--nor until the day after the duplicated committee proposal has been placed on the Delegates' desks--that's the time the Delegates and the public will be notified what the committee report was and this now has cut it to one day. Now, I think in order to go out here--we want the three days so these people can get a long ways, a distance, to come into this Convention and I want them to be handled and given a--just as much right to

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come out of Carter County or Lincoln County or some of these other places as these that are close in. Now, if this thing is the way it is, you can place it on the board, and then the committee reposal doesn't come out, we won't know what the committee reposal is and the next day it could be handled. Now, I'd like to ask the chairman if they've got any ideas on this. I have a lot. I'd like to hear the chairman of the committee give me some answers on this.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Rule Fifty-One is when we discuss the guts of these rules relative to what's going to happen to Delegate proposals and its procedure. Rule Fifty-One speaks detail to that subject. I don't think that most states set up their rules as we have proposed them; at least, certainly not in the detail that we have placed in these rules. It is the attempt of the Rules Committee to require each committee proposal to be reported to this Convention under what we call Order of Business Number One, which is the standing committee reports. At that time there would not be any debate and there would be no vote, but it would be announced that that committee had completed its work upon that proposal and that it is being placed on general orders and that it is being duplicated. We feel, then, that the second session day after it has been referred to the Committee of the Whole is probably enough

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time in which to get people here for the debates, if they choose to get them to the debates. Suddenly, we seem to be shifting our focus from the problem of getting people here for the hearings themselves, when we get them to express their opinions, to the debate stage of this proceeding when they listen to us express ours. But, the rule as I drafted it had the word, third session day. In meeting with our Clerk and our President and our Executive Director and others, it was determined that the second session day, coupled with the provision that not until the day after the duplicated committee proposal has been placed on the Delegates' desks could the matter be considered by the Delegates, would give ample time. Once again, remember we have nine weeks to get this over with and if we build into these rules required lengthy periods of time, we slow down our processes and we just make it virtually impossible to end in the nine week period.

DELEGATE MAHONEY: Mr. President.

PRESIDENT GRAYBILL: Just a moment. If anybody else --you've discussed this once, Mr. Mahoney, and unless you want to close.

DELEGATE MAHONEY: The question is what I was asking, Mr. President, I was--

PRESIDENT GRAYBILL: Oh, all right.

DELEGATE MAHONEY: --now going to make a motion--

PRESIDENT GRAYBILL: O.K.

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DELEGATE MAHONEY: --to pass consideration of this with the same time you're going to handle the other and you could handle this later. I would like to have a little more time to prepare an amendment to this, Mr. President.

PRESIDENT GRAYBILL: There's a motion by Mr. Mahoney to pass consideration of Rule Twenty-Three. All those in favor of the motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed?

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it. We'll pass consideration of Twenty-Three.

CLERK HANSON: (Reading) Rule Twenty-Four -- Consideration of Proposals. When the Convention reaches consideration of General Orders of the Day, it shall resolve itself into Committee of the Whole. General Orders shall be considered as follows: first, in order of referral, proposals of the Committee on Style; second, in order of referral, proposals of substantive committees. The Committee of the Whole may consider a particular proposal out of turn. No recorded roll call vote shall be taken--and this is added material--except upon the demand of ten delegates.

PRESIDENT GRAYBILL: All right, Mr. Murray, would you care to explain Rule Thirty-Four, Twenty-Four?

DELEGATE MURRAY: This matter was discussed in some

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detail at our hearing yesterday. The Rules Committee met upon this particular issue. It appeared that we could--that we had three alternatives; one was to have no roll call within the Committee of the Whole. That did not seem to be a very popular suggestion although it was the Rules Committee proposal. The other was that every vote taken would be by roll call. It did not appear to the committee that we would be doing ourselves any financial favors by cluttering the journal with those roll calls and that it would, in case the machine broke down, be costing us a great deal of time. Even with the machine it would cost us a great deal of time. So, we chose the third alternative which is expressed in Rule Seventy-One and in order to make it clear, we merely added the language, except upon the demand of ten delegates, which makes the recorded roll call matter consistent between Rules Twenty-Four and Seventy-One and if both rules are adopted as they have been today amended by the Rules Committee and as they are before you--Rule Seventy-One has one little amendment in it, too --we would have no roll calls unless ten delegates demanded them, except on those rules which would, naturally, by the wording of the rule itself, require a specified number of delegates to vote.

PRESIDENT GRAYBILL: All right, is there discussion of Rule Twenty-Four?

Mr. Foster.

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DELEGATE FOSTER: Mr. President, I offer a substitute motion. The substitute motion is to change the number, ten, to the number, five. In my opinion, it would further accelerate the proceedings if the Chair only had to determine that five individuals wanted to have a roll call, than to have to determine that ten had to--that wanted a roll call. Proceedings to determine that ten wanted a roll call might take more time than the actual roll call itself with the machine and I feel that in the event the machine broke down that the Delegates would be quite reasonable in not attempting to have a roll call unless it was clearly indicated, and I feel that to lower the number to five would make it a more workable rule.

PRESIDENT GRAYBILL: All right, Mr. Foster's amendment is to change it from ten to five. That seems clear enough. Now, is there further discussion?

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, members of the Convention, one little point that we are overlooking here, as the days go on, we'll offer to eachother more courtesy than we are right now. We're a little afraid of how much courtesy we are going to show to eachother. I can assure you that, as the days go on, that each of us will look at the other as a friend and as I stand here, I can name ten people that on anybody's request for a roll call vote, would be the first on their feet Now, I could point to Marshall Murray. I could point to Ster-

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ling Rygg, Miles Romney, Jim Felt, Mags Aasheim, Etchart and myself, and a few others. I do this because we found in the legislature that this was one courtesy that we always offered to anyone whether we agreed or not and I'm sure that as the days go by this will happen here. I think there is no problem here in getting ten people to rise. They'll do it automatically.

PRESIDENT GRAYBILL: Is there any further discussion on the matter?

(No response)

PRESIDENT GRAYBILL: All right, the amendment of Mr. Foster to Rule Twenty-Four is contained in the language that was added, and it would read, except upon the demand of five delegates. Oh, all right--pardon me, Mrs. Van Buskirk.

DELEGATE VAN BUSKIRK: Mr. President, I was wondering--in the interest of time, I would concur with Mr. Foster in having five rather than ten Delegates.

PRESIDENT GRAYBILL: All right, any other discussion?

(No response)

PRESIDENT GRAYBILL: We'll vote on Mr. Foster's amendment, then, to make it five instead of ten. So many as are in favor of the amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

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PRESIDENT GRAYBILL: The Chair rules the Ayes have it.

DELEGATE (Unidentified): Division.

PRESIDENT GRAYBILL: All right, we'll use the voting machine. So many as are in favor of Mr. Foster's motion that five replace ten, say Aye. Wait till I open the ballot. There we go. Aye. So many as opposed, say No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: If not, the Chair will close the vote and the Ayes have it, fifty-two to forty-three, so the amendment prevails. So we are now discussing Rule Twenty-Four with the additional language, except upon the demand of five Delegates roll call shall be taken.

Mr. Romney.

DELEGATE ROMNEY: I'd like to point out that it says five--upon the request of five Delegates, or something like that--I do not have it before me. How is that to be initiated? It has to be done through a motion.

PRESIDENT GRAYBILL: I don't know but the Chair would at this time say that at the moment it's my impression that if someone stood up and asked for a recorded roll call

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vote, I would ask if there were four seconds.

DELEGATE MURRAY: Mr. President, I think the way you do that is, you stand, address the Chair and say, Mr. President, I demand a roll call vote, and ask for four seconds. And the people will jump up.

PRESIDENT GRAYBILL: Right. And the Chair would have to determine whether four people stood to second with him and if they did we would have the division. All right, we're discussing Rule Twenty-Four. Is there further discussion or further amendment?

Mr. Artz.

DELEGATE ARTZ: Mr. President, I offer the following amendment: All votes which affect the content or status of any Constitutional proposal shall be by roll call vote. A roll call vote may be dispensed with if there is no objection from any two Delegates. To dispense with a roll call vote, the Chairman shall state, quote, we will dispense with a roll call vote unless there is objection, unquote. If no two Delegates object the Convention may proceed with a voice vote. Thank you.

PRESIDENT GRAYBILL: Would you supply us with your text? Would the Page bring it to me, please? If you and Mr. Cate want your texts back at noon to work on, that's fine. I just want them to read from here. All right, Mr. Artz has proposed the following amendment. The amendment you are pro-

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posing is to Rule Twenty-Four, is that right?

DELEGATE ARTZ: Yes.

PRESIDENT GRAYBILL: All votes--this would be added as additional material I take it, or is this in place of?

DELEGATE ARTZ: (Inaudible. Speaker not turned on.)

PRESIDENT GRAYBILL: No? The Chair's confusion is because the amendment is really also to Rule Seventy-Two. Do you want it in place of the last sentence of the Rule Twenty-Four, right?

DELEGATE ARTZ: Yes.

PRESIDENT GRAYBILL: All right, the sense of the amendment would be that it's to replace the last sentence of Twenty-Four, which is, no recorded roll call vote shall be taken except upon the demand of five delegates. Instead of that we would say: All votes which affect the content or status of any Constitutional proposal shall be by roll call vote. A roll call vote may be dispensed with if there is no objection from any two Delegates. To dispense with a roll call vote, the Chairman shall state, we will dispense with a roll call vote unless there is objection. If no two Delegates object the Convention may proceed with a voice vote. That's the amendment. Is there any discussion on the proposed amendment?

Mr. Murray.

DELEGATE MURRAY: Mr. President, I resist the pro-

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posed amendment. I think the rule as it has now been amended and the language contained therein is fine and we can operate well with it, and suggest that we stick with it rather than start amending these rules from the floor in rather a helter-skelter manner with lengthy language that we cannot see and observe because there may be built-in difficulties in that type of language.

PRESIDENT GRAYBILL: Is there any other discussion of Mr. Artz's amendment?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will put by the Ayes and Nays Mr. Artz's amendment and the amendment is to Rule Twenty-Four, striking the last sentence as it is now proposed with the amendment to five, and the sense of the amendment is that all votes will be by roll call if they affect the status of any Constitutional proposal--content or status. And, they can be dispensed with if there is objection from no more than two. All in favor of the amendment of Mr. Artz say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Those opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the amendment fails. All right,we are now discussing Rule Twenty-Four as proposed, including the word, five Delegates, instead of ten.

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Yes, Mr. Driscoll.

DELEGATE DRISCOLL: I would like to propose to the Convention that they pass consideration of Rule Twenty-Four until sometime this afternoon. I think, upon due reflection, that the Convention will look upon the gentleman's proposal that it will receive adequate support, friendships will develop, that this idea of five is not quite sufficient. I think upon due reflection the Convention will realize this. I'd like to pass--I'd like to move to pass consideration until this afternoon.

PRESIDENT GRAYBILL: All right, Mr. Driscoll's motion is to pass consideration of Rule Twenty-Four.

Mr. Murray.

DELEGATE MURRAY: I resist the motion, probably by surprise, but let's say--speaking personally and not wearing the hat of the chairman of the Rules Committee--I don't find any problem with the rule as it has been amended and as it now is before us, and I think that the sense of this body is that we should pass it and go on to the other fifty some rules we have to consider and I suggest we do so.

PRESIDENT GRAYBILL: Any further discussion?

(No response)

PRESIDENT GRAYBILL: All right, as many as are in favor of Mr. Driscoll's rule that we pass Rule Twenty-Four until this afternoon's session, say Aye.

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DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: All right, the Nays have it and it shall not be passed. We are on Rule Twenty-Four, unamended except for the word, five. Is there further discussion?

(No response)

PRESIDENT GRAYBILL: All right, there's no more amendments or discussion?

(No response)

PRESIDENT GRAYBILL: We needn't vote on it. The Chair will pass Rule Five, then. I mean Twenty-Four. I'm looking at the number, five. We'll pass Rule Twenty-Four because of completely discussing it. All right, will you read Rule Twenty-Five.

CLERK HANSON: (Reading) Rule Twenty-Five: Amendments in Committee of the Whole. Amendments offered in Committee of the Whole shall be subject to Rule Fifty-Eight.

PRESIDENT GRAYBILL: Are there any--Mr. Murray, do you want to explain Rule Fifty-Eight, or do they need to know Rule Fifty-Eight in order to understand Twenty-Five?

DELEGATE MURRAY: Mr. President, Rule Fifty-Eight is self explanatory. Every motion or amendment shall be reduced to writing if the President or any Delegate shall request

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it, and shall be entered upon the journal.

PRESIDENT GRAYBILL: In other words, the sense of this rule is that amendments offered in the Committee of the Whole must also be reduced to writing if the body or the President requests it, is that right?

DELEGATE MURRAY: That's right. The purpose of Rule Twenty-Five is to clarify and ease our operation within the Committee of the Whole and so that the Delegates will know when they make amendments that it can be demanded that they be made in writing.

PRESIDENT GRAYBILL: Is there any discussion of Rule Twenty-Five?

Mrs. Babcock.

DELEGATE BABCOCK: Mr. President, wouldn't it be necessary for us to pass Rule Fifty-Eight before we pass Rule Twenty-Five?

PRESIDENT GRAYBILL: Well, we're not going to pass them all until finally but if the language is all right here, we'll pick it up at the next stage. We're just kind of going through them by numbers. I suppose if we pass Twenty-Five and do away with Fifty-Eight we will have done away with Twenty-Five. Any other discussion of Twenty-Five?

Mr. McNeil.

DELEGATE McNEIL: Mr. President, at this point I like Mr. Mahoney's suggestion of setting forth as nearly as

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possible the rules in the place where they would fit. It would seem to me that there are only four sentences in Rule Fifty-Eight and they could conveniently be placed on the same page without adding a thing, and I think it would simplify the rules by avoiding the necessity of referring several pages later to set it forth verbatim at that place, and I would so move that the language in Rule Fifty-Eight be set forth verbatim as Rule Twenty-Five in Committee of the Whole.

PRESIDENT GRAYBILL: All right, the sense of Mr. McNeil's motion is that we amend Rule Twenty-Five by adding thereto the language that is in Fifty-Eight, in place of the reference to Fifty-Eight, the substance of the language being that any rule can be--that the house or the body or the President can ask that any rule--any amendment can be reduced to writing in Committee of the Whole. Is there any discussion of the proposed amendment?

Mr. Aronow.

DELEGATE ARONOW: Mr. President, this is merely a typographical error in Rule Five-Eight in the next to the last line, is withdrawn by the maker--and there's of--and it should be, or is ruled out of order. The of should be or.

PRESIDENT GRAYBILL: All right, we've amended Rule Fifty-Eight without anything by just changing the f to an r unless somebody objects. All right, we're back on the proposition of whether Rule Twenty-Five should be stated in the

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language of Fifty-Eight so that it applies to the Committee of the Whole. Hearing no further discussion, all those in favor of Mr. McNeil's amendment which would set forth in detail in Rule Twenty-Five the substance of Rule Fifty-Eight as to writing amendments, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. So, the rule as amended will include the language--and I trust,Mr. Murray, that we'll have no difficulty putting the language in there. All right, let's go on to Twenty-Six.

CLERK HANSON: (Reading) Rule Twenty-Six: Motion that Committee of the Whole Rise. A motion that the Committee of the Whole rise shall always be in order unless a member of the Committee is speaking or a vote is being taken, and such motion shall be decided without debate by the vote of a majority of those present and voting.

PRESIDENT GRAYBILL: Is there any question or discussion or amendment to Rule Twenty-Six?

Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, might I ask the chairman a question? Marshall, the reason I'm questioning these things--it's nothing personal, believe--I hope you realize this--

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DELEGATE MURRAY: Oh, I understand that.

DELEGATE MAHONEY: But, here is what's bothering me. Now, as these proposals come out you just give them the right for the committee to arise. Is the amendments going to be wiped out in the middle--if a person jumps up and asks that the committee rise, will the amendment stay in when they report it if the whole thing hasn't--can't be reported to the Convention. This is a very touchy thing and I think you realize this.

DELEGATE MURRAY: I realize it very much, Charlie, and I'm trying to think of the answer to your question. We have a rule which has to do with priorities--Privileged Motions. The privileged motions rule is Sixty, and it says: When a question is under debate--and this applies to Committee of the Whole also--no motion shall be received except those there. Now that--a motion to rise, Committee of the Whole to rise, isn't within--it doesn't seem to be a privileged motion. Now, your question, as I understand it, is if a committee rises, does it wipe the motions under discussion out.

DELEGATE MAHONEY : If the complete proposition hasn't been completed--now, this has always been a problem. This is one of the cases where parli--fast boys--make the move and gets up and says, I move the committee rise. Now, this is where you come in--do they take the--what's stripped off? Say you've passed a half a dozen motions onto this particular pro-

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posal, Marshall--you're not through. He immediately arises. How do you report to the Convention? You haven't completed--now this is a committee. When we get into committee it's altogether different than open body. This is the thing that happens. And this is why--could I--I'm wondering, Mr. President--I don't like to belabor this. I wonder if Marshall and I could sit down and discuss this and try to come to an agreement on some of this particular motions in the Committee of the Whole and especially regard to rise--are you going to rise and report progress and beg leave to set again? Are you going to--this is the thing--this is what's bothering me.

DELEGATE MURRAY: We are making every effort. By virtue of the nature of this Convention and the work we will have to do here being so much different than the work in the legislature that the committee shall be able to rise, report its progress and sit again without having to go through any other order of business and this might be overnight and that would preserve the status of any amendments. It would not wipe them out because the report would have to contain the order of the amendments and the progress made toward those amendments.

DELEGATE MAHONEY: This would be fine if the motion was to report progress and leave sit again, but if a gentleman got up here on the floor--or a lady--I want to get them all included--and says, I move the committee rise. Now this

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is where--now it's a different motion.

DELEGATE MURRAY: It is a different motion and you have a floor leader and an assistant floor leader and a president and you, who are most concerned with something like that not happening and I presume we would have time to try and save it or point out the difficulty and I'm sure the members of this body, as wise as they appear to be today and have in the past, would save your problem from occurring.

DELEGATE MAHONEY: That's not debatable.

DELEGATE MURRAY: I realize it's not debatable

DELEGATE MAHONEY: See this--the motion to rise is not debatable so there would be no discussion. Mr. President, I don't like to belabor a point on this but I wonder if we could pass this thing and see if we could work out something on this thing because I hate to see this Convention get along in the middle of something very careful and all of a sudden somebody makes the motion to rise and this--there is things that--this can get very tough--I wish--could this be done, Mr. President? Could you and I sit down and try to work out something or I--when we meet with the Rules Committee or something on this thing?

DELEGATE MURRAY: I've been available since Friday.

DELEGATE MAHONEY: I have never been invited to the Rules Committee.

DELEGATE MURRAY: I haven't sent any special invita-

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tion to anybody but I--

DELEGATE MAHONEY: Well, listen, I've never been invited. I'm trying to get--all I'm working on is what you've set out here.

PRESIDENT GRAYBILL: The Chair is going to insist that the argument remain germane. Now, the question is, do you want Mr. Murray to pass this and consider it with Mr. Mahoney during the lunch hour. Now, nobody has made a motion to that effect. Do you want to or does he want to?

DELEGATE MURRAY: Mr. President, I move we pass consideration of Rule Twenty-Six.

PRESIDENT GRAYBILL: All right, all those in favor--does anyone want to debate that motion?

Mr. Siderius.

DELEGATE SIDERIUS: I'm in the complete dark of this and I would like to have an explanation of the whole motion--Rule Twenty-Six--the motion that the Committee of the Whole rise. What does that mean? Now, I'm in the dark.

PRESIDENT GRAYBILL: I'm going to rule that the motion before us is whether to let them adjourn--let them consider this over the noon hour. If they don't pass that, then I'm going to have him explain it to you; otherwise, I'm going to let him explain it after he has fixed it. Now, is there other discussion?

(No response)

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PRESIDENT GRAYBILL: All those in favor of passing--skipping for the moment consideration of Rule Twenty-Six say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it and we have skipped Rule Twenty-Six.

CLERK HANSON: (Reading) Rule Twenty-Seven--

PRESIDENT GRAYBILL: Just a moment. And, Mr. Siderius, we will get them to explain it this afternoon. O.K., now Rule Twenty-Seven.

CLERK HANSON: (Reading) Rule Twenty-Seven: Reconsideration. A motion to reconsider shall be in order in the Committee of the Whole and may be presented no later than the next session day of the Committee of the Whole following the session at which the action to be reconsidered was taken.

PRESIDENT GRAYBILL: Is there any discussion or debate about Rule Twenty-Seven.

Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. President, did we establish yesterday that this motion would have to be--to be in order--would have to be made by a person voting for the motion in question on the prevailing side?

PRESIDENT GRAYBILL: I think that's a question ad-

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dressed to you, Mr. Murray.

DELEGATE MURRAY: Mr. President, the matter was considered by the Rules Committee and since it is silent--since Rule Twenty-Seven is silent on this subject, the other rule on reconsideration--and I don't have its number on the tip of my tongue--would govern and that one says that it must be by someone who voted on the prevailing side.

PRESIDENT GRAYBILL: So the sense of the rule is that you must be on the prevailing side in order to make the motion for reconsideration even in the Committee of the Whole.

Mr. Ask.

DELEGATE ASK: Mr. President, it's Rule Sixty-Six.

PRESIDENT GRAYBILL: The other is Sixty-Six. Is there further discussion of Rule Twenty-Seven, Reconsideration?

Mr. Mahoney.

DELEGATE MAHONEY: Mr. Chairman--Mr. President, could I ask the chairman a question? Are we going to be able to finally dispose of a problem here? Are you going to let them reconsider reconsiderations. Now this--I'm wondering if it's in Mason's manual, and I haven't checked it--I see in New York or one of these others that they say there will be no reconsideration of reconsiderations.

DELEGATE MURRAY: That's the intent of the rules. Now, I don't know if we expressly say that. I don't know what Mason's says on the subject.

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DELEGATE MAHONEY: Well, Mr. President, I'd just like to ask you another question--

DELEGATE MURRAY: We want finally to end these things.

DELEGATE MAHONEY: That's right and I think that should be spelled out that we finally end. One reconsideration is enough and this is--I think we should spell it out in here.

DELEGATE MURRAY: All right, let's visit about that at lunch time, Charlie, and perhaps we can put it in Rule Sixty-Six and clarify both of them.

PRESIDENT GRAYBILL: All right, we've discussed but we have no amendments to Rule Twenty-Seven. Is there further discussion?

Mr. Cate.

DELEGATE CATE: Mr. President, this might be a good place to talk about the roll call on the voting machine and maybe it ought to be included--

PRESIDENT GRAYBILL: Now, wait a minute. Explain to me--you want to discuss the roll call issue?

DELEGATE CATE: Well, the issue is this--in order to know on a close vote the prevailing side it's going to be necessary for the Delegates to see the numbers up there. In a vote we had this morning the numbers were not revealed, and --do you understand the sense of--

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PRESIDENT GRAYBILL: Well, if you're going to discuss the one about the voting machine, I don't want to debate the rule, but I'm perfectly happy that you point out that in conjunction with reconsideration there is sometimes the difficulty in determining who was on the prevailing side.

Mr. Berg.

DELEGATE BERG: Mr. President, I have a question. Does the Rule Twenty-Seven apply only to the Committee of the Whole? Does Rule Twenty-Seven, that which we are now considering, as I understand it, apply only to the Committee of the Whole?

DELEGATE MURRAY: Yes, Rule Twenty-Seven applies only to Committee of the Whole.

DELEGATE BERG: And does Rule Sixty-Six apply only to the Convention sitting--

DELEGATE MURRAY: No.

DELEGATE BERG: --as a Convention?

DELEGATE MURRAY: No. Rule Twenty-Seven as it stands and as it differs from Rule Sixty-Six would apply to Committee of the Whole. I'm not even sure it differs because, you see, I didn't propose this rule. This is the committee's rule now. I suggested that we not reconsider except within the Committee of the Whole at the time and once we've reported we don't do it. There are two philosophies on this. That ends the thing right there, but it seemed to be the sense of

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go no later than the next session day. Now, Rule Sixty-Six may say the same thing. On any point that Rule Twenty-Seven is silent on, Rule Sixty-Six would govern. So, Rule Sixty-Six would apply to the Committee of the Whole but Rule Twenty-Seven would not apply to anything outside of Committee of the Whole.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Marshall--Mr. President, could I ask the chairman of the committee a question? This is tough and I hate to belabor it but if you are going to let them reconsider the next succeeding day after this has been reported to the Convention, the Committee of the Whole does not have this proposal; it has gone back to the full body, the body itself. Now, I don't think we can possibly reconsider on the next succeeding day after it has been reported. Now if you had a--if you had no break--do you see what I mean, Marshall?

DELEGATE MURRAY: I agree with you entirely and that's the way I proposed the rule to the Convention.

DELEGATE MAHONEY: That's right. This is why--I think this is the thing--I hate to belabor--but these are the keen points of this whole thing is to get into there and this is where, Marshall--could this be passed consideration, worked this whole thing in with the other rule?

DELEGATE MURRAY: I'd be pleased to work it over with you. I'm not sure the committee would agree with our

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product but I am in accordance with your thinking, yes. I move we pass it.

PRESIDENT GRAYBILL: All right, there's a motion to pass consideration of Rule Twenty-Seven. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: All opposed say No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: Rule Twenty-Seven, consideration has been passed. Now, for the edification of the chairmen, you might want to make note of Section Four Fifty-One of Mason's which says that an action cannot be reconsidered when for any reason it is not possible to reach it and it points out Mr. Mahoney's point that after a committee has risen and reported it is too late for the Committee of the Whole to reconsider. That's obviously got to be the case or you'd never end it. All right, you've got your note. Would you read Rule Twenty-Eight?

CLERK HANSON: (Reading) Rule Twenty-Eight: Application of Convention Rules. The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable except that: the Committee of the Whole cannot adjourn the Convention; the previous question shall not be ordered; a majority vote is necessary to approve a proposal; the Committee may re-refer any proposal back to the substan-

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tive committee from which it came or may refer it to any other substantive committee; and a motion to postpone indefinitely or a motion to table or for a call of the Convention shall not be in order. A member may speak more than once in the Committee of the Whole. A journal of its proceedings and a verbatim transcript of its debates shall be kept by the Committee of the Whole.

PRESIDENT GRAYBILL: All right, you've heard Rule Twenty-Eight. Is there comment, questions, discussion or amendment?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Twenty-Eight.

CLERK HANSON: (Reading) Rule Twenty-Nine: Limitation of Debate. Before a proposal is taken up by the Committee of the Whole, any Delegate shall be privileged to move that a limitation be placed upon the time of the debate and consideration of such proposal by the Committee of the Whole, provided that equal time is to be afforded to the proponents and the opponents of such proposal, and the committee may fix in advance of consideration of a proposal or proposals a time for committee to rise and report.

PRESIDENT GRAYBILL: Is there any discussion of Rule Twenty-Nine?

(No response)

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PRESIDENT GRAYBILL: If not, the Chair will rule that Rule Twenty-Nine has passed. Will you do Rule Thirty? Oh, all right--Mr. Murray, do you wish to make a motion on your chapter with the proper deletions?

DELEGATE MURRAY: Mr. President, I move that we adopt Rule Twenty-Four, as amended; Rule Twenty-Five, as amended; Rule Twenty-eight and Rule Twenty-Nine.

PRESIDENT GRAYBILL: All right, the motion is to adopt the rules in Chapter Four with the deletions noted.

Mr. Kelleher.

DELEGATE KELLEHER: Just before we pass on that--vote on it--I have a short question, Marshall, on Rule Twenty-Nine. If we are going to limit debate in Committee of the Whole we must decide to do it, apparently, before the debate. What if the debate goes on and on and on and the matter is already--are we limited then in moving to limit debate?

PRESIDENT GRAYBILL: Mr. Murray, do you want to explain that?

DELEGATE MURRAY: We are limited because we cannot move the previous question and since the whole idea of the Committee of the Whole is to continue with the debate once it has started, I presume that we would have to continue with that debate. If the rule is abused, then we will start with limitations in advance of hearing proposals.

PRESIDENT GRAYBILL: Do you understand the sense of

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the answer, Mr. Kelleher?

DELEGATE KELLEHER: Once we start debate and it goes on and on and on, it's too late.

PRESIDENT GRAYBILL: Right. That's right, in the Committee of the Whole.

DELEGATE KELLEHER: How do we know beforehand that it's going to go on interminably?

PRESIDENT GRAYBILL: Well, the problem is, we have a rule which we also want that you can't move the previous question in Committee of the Whole, and if you can do what you're saying, limit debate in the middle of debate, then you have really in effect moved the previous question. So, we all run the risk when we open a subject on Committee of the Whole of debating it forever.

DELEGATE KELLEHER: Thank you.

PRESIDENT GRAYBILL: And, knowing that we run that risk, we trust that we will be guided accordingly. All right, the motion is to adopt the rules of Chapter Four which have been previously referred to. All those in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: The Ayes have it. The rules are adopted. Will you please read Rule Thirty?

CLERK HANSON: (Reading) Rule Thirty: Substantive

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Standing Committees. The substantive standing committees are: Bill of Rights, Legisla--is that Legislature or Legislative?

PRESIDENT GRAYBILL: Is that Legislature or -tive, Mr. Murray?

DELEGATE MURRAY: I can't tell, but I proposed Legislature.

PRESIDENT GRAYBILL: All right, Legislature.

CLERK HANSON: (Reading) --Legislature, Executive, Judiciary, Local Government, Revenue and Finance, Education and Public Lands, Public Health, Welfare, Labor and Industry, Natural Resources and Agriculture, General Government and Constitutional Amendment.

PRESIDENT GRAYBILL: Now, is there any discussion of Rule Thirty?

Mrs. Babcock.

DELEGATE BABCOCK: I believe the right word would be Legislative rather than Legislature.

PRESIDENT GRAYBILL: All right, let's make it Legislative. Is there any other discussion?

Mr. Gysler.

DELEGATE GYSLER: Mr. President, I move that Public Lands be put back with Natural Resources and Agriculture as it was before and taken out of the Education Committee. I realize that what the Education Committee said to us during our preliminary sessions is true, and this is the reason that this

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body put Public Lands in with Education, that reason being that they wanted to be sure that on these earmarked funds for education that come out of public lands. There are so many aspects of this that really don't tie into education as a committee and I feel very certainly tie in with natural resources and agriculture. I feel I'm not alone in this. One of the communications sent to the chairmen and myself from Doug Smith in the governor's office to agricultural people around the state, suggesting things and articles to be looking at, and this committee, the Natural Resources and Agriculture Committee is one to be going to it, and this was sent by Mr. Smith to an awful lot of farm groups. It has been suggested that we hold dual hearings, or both committees meet on this. To me, in the interests of the public, there are going to be times when I feel this is going to be very difficult, so this is the reason for my motion.

PRESIDENT GRAYBILL: All right, so the motion is that we amend Rule Thirty by moving the words, and Public Lands, to the Natural Resources and Agriculture Committee. That is, remove the subject matter there and take the words off of Education. So, we'll discuss that.

Mr. Champoux.

DELEGATE CHAMPOUX: May I speak to that motion, Mr. President? This came up yesterday. Actually it involves three committees - Taxation, Natural Resources and Education

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and we discussed it in our committee, and the feeling was that since a number of people had made quite a bit of effort, spent a lot of time researching this out, that we do have a bit of talent in this area, we do feel it is important to education in general. At a meeting this morning between the chairman of the Natural Resources Committee, Mrs. Cross, and Mr. Rygg, we thought perhaps a compromise to this would be that we include section--Article Seventeen under the--also as an area of study for the Natural Resources Committee and at the appropriate time we hold joint hearings.

PRESIDENT GRAYBILL: Is there further discussion?

Mr. Davis.

DELEGATE DAVIS: I put my name in for Education and Public Lands. One reason was when Public Lands was assigned to it. I'm not concerned and have a great deal of confidence in whoever would be on the committee that receives it. What does concern me, though, is coming from a county that has three million acres and more public land than any other in the state, that all the communications that go around the different places, but my constituents have no way of knowing of it. For instance, I refer to letters this gentleman received from so-and-so, the governor, and I am concerned that it be some way you could keep track of those things if it's in an area that concerns you. That's why I wanted to be on a committee that concerns public lands. My fellow delegate, Mr. Anderson, from

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our district, is quite concerned about public lands, too. So, regardless of what committee it's under, it affects education, it affects many other things. It affects your environmental and natural resources. I would like to see it stay in Education or put it in each one and we could both work together on the aspects of it that affect each area.

PRESIDENT GRAYBILL: Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. President, I rise in support of the motion by Delegate Gysler. I am a member of the Natural Resources and Agriculture Committee. With Delegate Wilson, I represent over ten percent of the State of Montana, two percent of the people, and within this ten percent we have a lot of public land. Now, the Natural Resources Committee is being charged with reclamation and there will probably be much of this public land that will be mined, and this is going to be of prime importance in our committee. So, I would therefore like to support Mr. Gysler's motion that we do have a vital say-so in the public lands of Montana.

PRESIDENT GRAYBILL: Mr. Conover.

DELEGATE CONOVER: I rise in support of keeping public lands in Education. As you know, I'm a farmer and a rancher and I also have public lands. But to take Public Lands out of Education, which is a vital support of our public schools, I know that there is a lot of conservation and improvement of lands on our state lands which is going to involve

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in the Natural Resources of agriculture, which I'm very interested of myself and I'd probably have some say in the thoughts of their deliberations. But, to take it away from us, I think it would be wrong. Going back to our people at home who are really interested in our public schools today, in the financing which we are in jeopardy as on our schools, I think we are going to have to work together with the Natural Resources and Agriculture with Education and I don't see why that we should have to relinquish it as I think it is real vital to our education.

PRESIDENT GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President, since we adopted a rule here a few minutes ago that you should reveal your interest, I should say that I am a public school teacher. And, these public lands--there are over four million acres of public lands which belong to the school children of the State of Montana. And this is an enormous amount of money. This was set up by the enabling act, section sixteen and thirty-six of every township, for the education of the children of Montana. And, so I believe that this Public Lands should stay in the Education Committee or I would be agreeable with what Mr. Champoux proposes, that there be joint hearings on it, but that it not be taken away from Education.

PRESIDENT GRAYBILL: Mr. Furlong.

DELEGATE FURLONG: Mr. President, I, too, am a

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teacher and I rise in opposition to the motion. Some ninety to ninety-five percent of the public lands of Montana are reserved for the schools of the State of Montana. I recognize the interest of the other areas but I would certainly recommend that they utilize the joint hearing system. I would remind the Convention that, during our organizational session--it seems like a long time ago now--the motion to add Public Lands to Education passed ninety-eight to nothing.

PRESIDENT GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: I am a member of the Education Committee and I, too, would favor retaining the Public Lands in the Education Committee. I think probably the basic reason is--has to do with the enabling act itself. I think that another very important reason is that if we were to change this, I think it would raise a great deal of concern among the citizenry of our state at this point. And, certainly, I think we are going to have to have joint hearings with several committees in this area, but it seems to me that in the best interests of the Convention that these should be kept--Public Lands should be kept with Education.

PRESIDENT GRAYBILL: Mr. Anderson.

DELEGATE JOHN ANDERSON: I am serving on the Natural Resources and Agriculture Committee and, as Carl has pointed out, both Beaverhead and Madison Counties have a good share of the school lands of our state and it is of great interest, I'm

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sure, to that area. I personally am not concerned what committee has charge of public lands as such. I have complete confidence, I think, in any of the Delegates that work on these committees. But, we discussed this at great length in our committee yesterday and a good share of the work will it seems come out of the Natural Resources Committee in regard to the school lands. Also, I think the Taxation Committee will have some responsibility in regard to this, as well as the school lands are set up for a definite purpose for our school children, as has been mentioned. So, in any event, whichever committee it may be kept in, I would like definitely to see the Natural Resources and perhaps the Education Committee and the Finance Committee work very closely together on this. And I am sure that by doing that we can work out something that is not only of great benefit to our school children but to everyone that's involved. I thank you.

PRESIDENT GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: I would like to rise in opposition to the motion. I am a member of the Education Committee. The Education Committee is not only concerned with the permanent school fund, they are concerned with every aspect of the income to the school system from the public lands. We recognize that there's a problem in conservation of school lands which we should possibly work out with the Agricultural and Natural Resources Committee. We recognize that there's possi-

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bly a problem that might be concerned with the Committee on Finance, and we are quite aware of these problems and we are willing to work with these other committees, but again I'd like to state that I believe the major concern and the most vital part of the thing is concerned with the Education Committee in its interest to derive the greatest amount of income from the school lands to the educational system.

PRESIDENT GRAYBILL: Mrs. Cross.

DELEGATE CROSS: Mr. President, as chairman of the Natural Resources and Agriculture Committee, I would like to see the public lands in our committee. However, I understand the concern of the other two committees and we have talked about this at great length. I honestly don't believe we can resolve this without the cooperation of the three committees involved. If it--if the Convention so deems that the Public Lands stays with Education, of course we will do our best to not only consider them in our committee but will cooperate with the other two committees for the benefit of all of us.

PRESIDENT GRAYBILL: All right. We'll withhold debate for a moment while we put a new tape on the machine.

(Five minute recess)

PRESIDENT GRAYBILL: The Convention will be in order. Mr. Foster.

DELEGATE FOSTER: Mr. President, I rise in support of the motion. I am neither a member of the Natural Resources

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or the Education Committee, and I support the motion not from the standpoint of what the determination of committees will be on the matter of public lands, but from the standpoint that public lands seems, in my opinion, to be closely related to natural resources and agriculture than it does to education and I feel that there may be a disparity of work between the Education Committee and the Committee on Agriculture and Natural Resources, because I find that there may well be a good deal of constitutional work for the Education Committee but there is, in my opinion anyway, not a great deal of constitutional area for Agriculture and Natural Resources, and this division might give a more evenly balanced division of work between the two committees.

PRESIDENT GRAYBILL: Mr. Siderius.

DELEGATE SIDERIUS: Mr. President, I don't think this will be too big a problem. I think we can work together. The idea is to save our natural resources for the benefit of all. The way our natural resources go, so will go the nation. I think when we make good use of our natural resources we also are making good use or setting that aside for our human resources. And I think that's what we should have in mind when we're getting together on these two, these two committees.

PRESIDENT GRAYBILL: Mr. Wilson.

DELEGATE WILSON: Mr. President, I rise in support of the motion. I think that this Convention must realize that

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there's many thousands of acres that are federal lands that are not school lands that properly belong in the Committee on Natural Resources and Agriculture. I appreciate the interest and the concern of the educational people in the public lands, in the school lands of the State of Montana, and I am sure we all appreciate the fact that we want to have as much revenue for the schools from the school lands as it's possible to obtain, but there's many ramifications that enter into this consideration. The Natural Resources and Agriculture Committee, in my opinion, would be the proper place for these deliberations to take place. There are many ramifications that could be taken up under Natural Resources, in the Natural Resources Committee, to increase funds for education if it is properly handled in the Agricultural Committee. The agricultural people themselves are concerned that they would have a natural referrance to Natural Resources and Agriculture in their communications.

PRESIDENT GRAYBILL: Is there further debate or discussion?

Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I think that all of us are in agreement on the fact that both of these committees will have to work on this subject. There just doesn't seem to be any way out of that. As it is now, as I understand it, the Education Committee has it and the other would have to meet

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jointly with them. I wonder if it would not solve the problem --it seems to me that there are some good reasons for putting it under Natural Resources--maybe one of them has been mentioned--maybe they don't have quite as full a load as the public education one does--to just shift it, put the Public Lands in that committee with the understanding that the Education Committee then would meet jointly with them. The shoe would just be on the other foot and the same thing would be realized in the end.

PRESIDENT GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman, I rise in opposition to the motion. I feel that should this be put--or taken out of the Education Committee, I think it will cause a great deal of consternation in the education community. And I think it could cause a problem. I think if there's going to be cooperation, it's going to be necessary, but I think this could cause quite a problem if it's taken out.

PRESIDENT GRAYBILL: Further discussion?

(No response)

PRESIDENT GRAYBILL: Mr. Gysler, do you want to close on your motion?

DELEGATE GYSLER: For the benefit of you people on the Education Committee, I am a former teacher. I am chairman of the trades and industry program in the Fort Benton high schools. I was an invited participant in the Secretary of

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Health, Education and Welfare meeting in Denver last April on vocational education, and I was also invited as a participant in the regional meeting of the American Industrial Arts Association in Denver in May of last year. I certainly know what you mean when you say the people in education are concerned with the money from public lands, and so forth. If this is moved to our committee, which I hope it will be, I would certainly hope that between Education and Finance with us maybe a little bit that these other committees would take care of this aspect of it. I don't think that the greatest interest of the public in the long run is the dollars and cents that we initially get in our continuing school fund. The best interests of the public in the long run are to be assured that these public lands are administered properly so the funds would continue to come. We have to conserve our public lands, and so on. To me, this is the greatest interest for the public. The reason I want to see it moved is that I can foresee many of our hearings being greatly handicapped because of the overlap that we will have in discussing natural resources, agriculture and public lands. I think that for the best efficient operation and everything on down the line we are just so much more concerned with the total aspect than the Education is that--Education Committee is--that I feel it should be moved. Thank you.

PRESIDENT GRAYBILL: All right, Mr. Murray do you

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have anything, or can we vote on this?

DELEGATE MURRAY: I have too many things in front of me. Mr. President, the Committee doesn't choose to speak to the merits of what committee this Public Lands should be in. We recognize that it might be a problem. We have done so twice; once in the last sentence of Rule, proposed Rule Forty-Two when we say, Committees may meet jointly with the consent of their respective chairmen, and the consent of the President. And again in Rule Forty-Six where we say, where a proposal embraces subject matter which falls within the proper consideration of several committees, the President, where practicable, shall divide the proposal and refer the parts to the appropriate committees. If it is not subject to such division, the President shall refer it to an appropriate committee with instructions to consult with other committees on related matters. And, with that, we'll say no more.

PRESIDENT GRAYBILL: All right, we're ready for the question on this. The motion of Mr. Gysler is to move Public Lands from the Education Committee to the Natural Resources and Agriculture Committee. As many as are in favor of the motion, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: As many as are opposed, please say No.

DELEGATES: No.

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PRESIDENT GRAYBILL: The Chair is in doubt. We will use the voting machine. The Chair will open the ballot and as many as are in favor will vote Aye, and as many as are opposed will vote No. Has every Delegate voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to cast his vote--to change his vote?

(No response)

PRESIDENT GRAYBILL: All right, I'll close the ballot. The tally is fifty-two Nay, forty-four Aye. The motion has failed. So ordered. Now, for the edification of everyone, the Chair certainly intends to use the two motions referred to by Mr. Murray and these three committees can rest assured that they are going to consider most of these matters jointly when they concern eachother. I recognize that there may be parts of the public lands issue that don't affect the other committees and those I'm not going to require them to be considered jointly. But whenever there is any question about it, I trust these three chairmen will make their wishes known to me. All right, how about Rule Thirty-One, Mr. Clerk? Just a moment.

Mr. Harper.

DELEGATE HARPER: Just for information, where did Suffrage and Elections finally wind up? In Bill of Rights or General Government?

PRESIDENT GRAYBILL: Matter of fact, I am a little

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ahead of myself. We should go ahead and finish Thirty. At the moment the Chair has set--has moved material that normally was in Suffrage into General Government. We did not add it to the title because the title is already too long and it's the sense of the present rules that the suffrage matters will be in General Government instead of Bill of Rights. Now, if you don't want us to do that, now's the time to re-establish Bill of Rights or wherever else you want to go to and we'll vote on that. But at the moment, Suffrage is in General Government. Is there any discussion of Rule Thirty? Other discussion of Rule Thirty?

Mr. Blaylock.

DELEGATE BLAYLOCK: Just a question, Mr. President. Is it true that that was done--it was taken out of Bill of Rights--was you felt that committee had not enough to do and that they could better handle it?

PRESIDENT GRAYBILL: Well, we did think it would give General Government another subject that they could profitably put some of their time on, I'll grant you that, yes. And again, if there's any--if the Bill of Rights people feel strongly about this we would certainly again use the rules and jointly consider it but I'd await some request from some committee.

Mr. James.

DELEGATE JAMES: Mr. President, is it true that the section on water rights was taken out of Bill of Rights, too?

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I think it's Article Fifteen in there.

PRESIDENT GRAYBILL: Well, is there a water rights section in the Constitution that I assigned?

DELEGATE DAHOOD: Well, I should say Section Fifteen was originally assigned to another committee. It was never assigned to the Bill of Rights Committee.

PRESIDENT GRAYBILL: All right, now, if you chairmen would like those assignments doubled up, I'd be glad to. I think I assigned water rights to Natural Resources. And if you want joint hearings on those, talk to me and, within reason, and if you're correct on your subject matters, why, the Chair intends to jointly consider them. But, I certainly think water rights is properly where it is but it may also be properly somewhere else. Is there other question about substantive standing committees?

(No response)

PRESIDENT GRAYBILL: If not, and with the understanding that Suffrage is now in General Government, we'll pass Rule Thirty. Now, Thirty-One, please, Mr. Hanson.

CLERK HANSON: (Reading) Rule Thirty-One: Procedural Standing Committees. The procedural standing committees are: Administration, Public Information, Rules and Resolutions (Rules), Style, Drafting, Transition and Submission (Style).

PRESIDENT GRAYBILL: Is there any discussion on Rule

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Thirty-One?

Mr. Brazier.

DELEGATE BRAZIER: Mr. President, after a hasty review of these rules yesterday, I failed to notice where any provision was made giving the Committee on Style and Drafting the authority to arrange also. And in view of the recent discussion, which I think underscores the problem, I think it ought to be made clear somewhere. For example, our Committee on Natural Resources might not consider it necessary to come up with an entire article as such, and somebody would have to decide where to spot the proposals throughout the balance of the Constitution. With that in mind, I guess I would just call it to the attention of the Rules Committee that something should be said in the substance of the rules or in the title of that committee to clarify that they have authority to arrange, proposal arrangement, also.

PRESIDENT GRAYBILL: You mean the Style and Drafting Committee?

DELEGATE BRAZIER: Yes.

PRESIDENT GRAYBILL: Well, is there some question that the Style and Drafting Committee doesn't have the right to suggest where it should go in the Constitution?

DELEGATE BRAZIER: Well, it may be there by implication but I don't think it is set in the proposed rules.

PRESIDENT GRAYBILL: Well, I'm sure Jack Schiltz

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intends to exercise it but if there's any question, we'll certainly talk about it.

Mr. Schiltz.

DELEGATE SCHILTZ: We do intend to undertake that task.

PRESIDENT GRAYBILL: And Mr. Brazier--

DELEGATE SCHILTZ: It's really covered by the word, submission. We're not talking so much about submission to the public as we are submission to this body, and to the public as well.

PRESIDENT GRAYBILL: And, Mr. Brazier, the report of that committee will come back and then would be debatable as to whether it went to the right place. I don't know if it's debatable but anyway it comes back here. O.K., is there other discussion on Rule Thirty-One?

(No response)

PRESIDENT GRAYBILL: If not, we'll consider Rule Thirty-One passed. Rule Thirty-Two.

CLERK HANSON: (Reading) Rule Thirty-Two: President Ex Officio Member of All Standing Committees. The President shall be an ex officio member of all standing, substantive, and procedural committees, but shall not vote except to break a tie and shall not be counted for the purpose of determining a quorum.

PRESIDENT GRAYBILL: Is there any discussion of Rule

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Thirty-Two?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Thirty-Two. Rule Thirty-Three, please.

CLERK HANSON: (Reading) Rule Thirty-Three: Select Committees. The President may on his own initiative or at the direction of the Convention appoint such select committees as may be necessary to perform special functions.

PRESIDENT GRAYBILL: Any discussion of Rule Thirty-Three?

(No response)

PRESIDENT GRAYBILL: If not, we'll pass Rule Thirty-Three.

CLERK HANSON: (Reading) Rule Thirty-Four: Appointment of Committee Members. The President, after consultation with the Vice President(s) shall appoint the committee members, but any appointment, on the announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January nineteenth, 1972. Each member, except the President, shall be appointed to serve on one substantive standing committee.

PRESIDENT GRAYBILL: Any question or discussion on Rule Thirty-Four?

(No response)

PRESIDENT GRAYBILL: If not, Rule Thirty-Four is

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passed. Rule Thirty-Five.

CLERK HANSON: (Reading) Rule Thirty-Five: Appointment of Committee Chairmen and Vice Chairman. The President, after consultation with the Vice Presidents, shall designate the chairman and vice chairman of every committee, and his designees shall be subject to the approval by a majority of the members of the Convention. In case of a vacancy or the prolonged absence of the chairman and vice chairman, the President of the Convention shall appoint a chairman to act until the chairman or vice chairman shall return. The vice chairman shall perform all of the duties and functions of the chairman in the absence of the chairman. Committee chairman and vice chairman should vote on all items before the committee the same as other delegates.

PRESIDENT GRAYBILL: Any discussion on Rule Thirty-Five?

Mr. Murray.

DELEGATE MURRAY: Mr. President, I believe there's a typographical error in the last sentence. My recollection of the committee decision was that committee chairman and vice chairman shall vote on all items before the committee the same as other Delegates, rather than the word, should. That's the recollection of Mr. Eskildsen and I submit that's the way it should be.

PRESIDENT GRAYBILL: All right, we'll accept your

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amendment of your proposal so that it reads shall instead of should. Now, as proposed, is there any discussion of Rule Thirty-Five?

(No response)

PRESIDENT GRAYBILL: If not, we'll pass Rule Thirty-Five. Thirty-Six.

CLERK HANSON: (Reading) Rule Thirty-Six: Quorum and Rules of Committees. A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the Convention, unless the question has been raised before the committee. The rules of the Convention shall be observed in all committees as far as may be applicable, and, if applicable, may not be suspended.

PRESIDENT GRAYBILL: Any questions or discussions on Rule Thirty-Six?

(No response)

PRESIDENT GRAYBILL: If not, we'll pass Rule Thirty-Six. Rule Thirty-Seven.

CLERK HANSON: (Reading) Rule Thirty-Seven: Calling of Committees and Agenda. Each committee shall meet at the call of its chairman, who shall also set its agenda. Any three members of a committee may, in writing, request the chairman to call a meeting of that committee, and upon his failure to do so within forty-eight hours not including Satur-

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days, Sundays and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each Delegate proposal referred to a committee must appear on the committee's agenda at least once, but the committee shall not be required to report to the Convention thereon except as provided in Rule Forty-One.

PRESIDENT GRAYBILL: Is there any discussion of Rule Thirty-Seven?

Mr. Aronow.

DELEGATE ARONOW: Mr. President, may I ask Mr. Murray--suppose we go to Tuesday through Saturday work week and you have it not counting Saturdays and Sundays. I wonder if we could have some language to kind of cover that type of situation when and if the Convention acts?

DELEGATE MURRAY: Mr. President, if we decide to work differently, or other than Monday through Friday, the Rules Committee will come back with a different proposal. We know we have a problem, or are facing one, in that instance, yes.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, may I ask a question? Do I determine here that the committee itself couldn't write its agenda, or is it going to be obligated only to the

chairman and can only take up what the chairman wishes?

DELEGATE MURRAY: Mr. President, this rule encompasses two different thoughts, basically. I believe it is the intent of the committee, the Rules Committee, that any given committee could call a meeting when the chairman refused to and set an agenda for that meeting. I don't think it's consistent that the committee should be able to call a meeting and not have an agenda upon which to act. Perhaps this rule could be changed to clarify that but it's the intent of the rule for the committee to act where the chairman will not and to act upon an agenda.

DELEGATE MAHONEY: Mr. President, what's worrying me is the overaction of the chairman, that you can't--not let the committee take up anything only that he wishes. This is what I'm worried about. Under the regular procedure he calls the meeting, he names the agenda, and I'm in hopes that this means that the committee itself decides it wants to take up something else that they can't be limited. This is what's--the point I'm bothered about is the reading of that word, and shall set its agenda. I thought it was a little too--giving the committee chairman a little too much power.

DELEGATE MURRAY: Well, the intent of the rule, Mr. President, is as I've explained it, for the committee to call the meeting when the chairman will not or refuses or neglects to do so, and to act upon an agenda which it will set. And if

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the rule doesn't say that to the satisfaction of this body, why, we'll make it say so.

DELEGATE MAHONEY: The only thing I'm worried about, Mr. President, is this. Who shall set its agenda--also set its agenda? I'm just--that's too encompassing to the President. If he calls the meeting, there's no question then. Marshall, this is the only part I'm worried about. Are we telling to the chairman that they can't take up their--the committee itself can't take up anything that he doesn't put on the agenda?

DELEGATE MURRAY: At any time, do you mean, whether they call the meeting or not?

DELEGATE MAHONEY: Yes, yes.

DELEGATE MURRAY: Well, if every proposal has to be upon its agenda I suppose that the matter will always be considered to some extent. I move at this time that we pass consideration of Rule Thirty-Seven so that you and I can meet upon that.

PRESIDENT GRAYBILL: All right, the issue, unless I see someone else who wants to discuss it, is upon passing consideration of Thirty-Seven until they have discussed it. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: No.

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PRESIDENT GRAYBILL: The Ayes have it and so ordered. Mr. Murray, I want to inquire here. There's a Thirty-Eight and a Thirty-Eight-A. Are they separate rules?

DELEGATE MURRAY: They are not separate rules.

PRESIDENT GRAYBILL: All right--

DELEGATE MURRAY: Let me explain this just a minute. What has been delivered to the desks in a mimeo form which is entitled Rule Thirty-Eight-A, was intended by the committee on its final action this morning, to be the second, third and fourth paragraphs of Rule Thirty-Eight and it was improperly entitled before we took action on it in the committee.

PRESIDENT GRAYBILL: All right, may we consider Rule Thirty-Eight, sub one, then? Is that the way you want to do it?

DELEGATE MURRAY: Please.

PRESIDENT GRAYBILL: All right, let's read Rule Thirty-Eight, sub one.

CLERK HANSON: (Reading) Rule Thirty-Eight: Notice of Committee, and striking the words, Meetings and, Hearings. No substantive committee hearings may be held unless notice thereof is posted in the following manner: The secretary of the Convention shall be furnished an original and three copies of a written notice, signed by the chairman or members of the committee calling the hearing. The notice shall state the date, hour, and the place of the proposed hearing and the pro-

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posal number or subject matter to be considered. The secretary shall post one copy thereof on a designated bulletin board with an endorsement thereon of the hour and date of the posting, which may not be less than three days before the time of the hearing. The original notice shall be retained by the secretary. The other copies shall be returned to the chairman of the committee and the Public Information Director with the endorsement of the secretary. The substantive committee secretary shall deliver a copy of the notice to all members of the committee and to all members of the Convention who have introduced proposals on the subject matter to be considered.

PRESIDENT GRAYBILL: All right, the question is open for discussion on Rule Thirty-Eight, One, which the Chair points out includes that three day rule.

Mrs. Bowman.

DELEGATE BOWMAN: Mr. President, I think as a matter of making it easier for the Delegates, these notices of committee hearings will actually go through the chief clerk's office and I wonder if the rule shouldn't indicate that rather than the fact they are going to come through my office.

DELEGATE MURRAY: Mr. President, may I speak to that?

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: When drafting these rules we didn't have any idea as to the titles of the various officers on the rostrum or elsewhere and it was decided that we should

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place all clerical work under the title of Secretary, she having the responsibility for the delegation of that work, and that's why the word secretary is contained in the rule.

PRESIDENT GRAYBILL: And you, Mrs. Bowman, may make a rule that they hand it in at the clerk's office, if you want.

DELEGATE BOWMAN: For your information, will you give it to John Hanson, who will sign it.

PRESIDENT GRAYBILL: All right, any discussion of Rule Thirty-Eight, sub one?

(No response)

PRESIDENT GRAYBILL: Do I understand that you are all happy with three? I don't want anybody fooled here. Three days.

(No response)

PRESIDENT GRAYBILL: Very well, hearing no further discussion, Rule Thirty-Eight, sub one--we'll pass Rule Thirty-Eight, sub one. Now, just a minute, Mr. Hanson. Mrs. Reichert, do you have something on Thirty-Eight, sub one?

DELEGATE REICHERT: Mr. President, I thought we were also going to discuss Thirty-Eight, sub two, but does this mean that if we do not discuss Thirty-Eight, sub one, that we may not discuss sub two, right?

PRESIDENT GRAYBILL: We can come back to sub one this afternoon if you want to. I'm just trying to find a

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point to cut off here, but at the moment nobody wants to discuss sub one, so we are passing sub one for the moment. If you want it up again this afternoon, you ask. Mr. Eskildsen, I have some announcements but I think we should recess.

DELEGATE ESKILDSEN: Mr. President, members of the Convention, the Rules Committee will meet immediately on recess, and with that, Mr. President, I move that the Convention stand in recess until two P.M., this afternoon.

PRESIDENT GRAYBILL: All right, before we vote on that motion, the Chair would like to announce that it is my intention to take up the skipped rules - nineteen, twenty-three, twenty-six, twenty-seven, thirty-seven, first after lunch--well, yes, first. In other words, we are going to clean up the docket up to thirty-eight and then proceed, so those of you who are to meet with the Rules Committee, please do so. We are going to adjourn until two, so you have some time. Secondly, the Chair would like to remind the Delegates that if they want to come to that party tonight, please get your reservations in at the desk out there if you haven't done so. All those in favor of adjourning--just a moment--Mr. Toole?

DELEGATE TOOLE: Nothing.

PRESIDENT GRAYBILL: All those in favor of adjourning say Aye.

DELEGATES: Aye.

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PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The motion passed. Let the journal show recessed.

(Convention recessed at 12:04 P.M.)

AFTERNOON SESSION

January 18, 1972 Convention Hall

2:05 o'clock, P.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. Unless the Chair hears objection, we will resume Mason's Order of Business G, Reports of Standing Committees, and continue discussion of the Rules Committee. I am asked to make two announcements while you are getting settled. First of all, most of you have received a notice by mail here. It starts out, Memorandum to all State Employees About Parking Facilities, and it has this single-spaced typed message on the bottom, objecting on behalf of some of the employees to our parking. Mr. Saxby, the director of the Department of Administration, wants it clear to all of us that only the top, double-spaced part represents his office's and the state government's --state administration's sentiments. The rest of it was typed on here and it's not his sentiments nor does it represent the

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sentiments of all state employees. In other words, he doesn't want you to think he's telling you that he doesn't like your parking. Just half of them don't like it. So when you get that, bear in mind that that's a message from some of the Capitol employees and not all. The marvels of the duplicating machine. Mrs. Bowman, the reason you didn't get a notice is that you're the only one that's got a sign up. Now, the second thing I'd like to mention is, the Clerk here would like me to announce that he will turn on the mikes if he can after I recognize you and therefore, if you'll just pause slightly after I recognize you, it will give him a chance to get them on and you won't get the first three words cut off, as often happens. Secondly, if you have a question, please rise and after you are recognized say, Does Delegate X yield? At that point--or, Does the--Will the President ask Delegate X to yield? At that point it gives me a chance to recognize you and get Delegate X's and your mikes both on and we won't be as confused as we were. The President will say, Do you yield? And then the other man will say, yes, and then you'll be able to talk. In other words, if we slow it up just a little we won't be talking over eachother. And he'd like one question, and the recorder would like one question at a time. All right, we are now on the rules again and we announced that we would take up, unless there's objection, the ones that we skipped this morning and we started with Rule Nineteen. I'll ask the

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Clerk to read an amended Rule Nineteen.

CLERK HANSON: (Reading) Rule Nineteen: Contemptuous Behavior of Delegates. Any Delegate who persists in disorderly conduct after being warned by the President or Chairman of the Committee of the Whole, that he is out of order, may, by motion duly made and carried by a two-thirds (two-thirds) majority of the Delegates elected, be held in contempt and be required to purge himself of such misconduct; and until such Delegate has purged himself, he shall not be entitled to the privileges of the floor.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I move the adoption of the amended Rule Nineteen. The committee has considered the matter, recognizes that the Rule Nineteen which we proposed came from Illinois. After consideration and discussion with Mr. Cate, has agreed that the substitute rule may be better and we propose it.

PRESIDENT GRAYBILL: Is there debate or discussion or amendment to proposed Rule Nineteen? Do you want it read again?

(No response)

PRESIDENT GRAYBILL: Everybody have it? Any discussion of proposed Rule Nineteen?

(No response)

PRESIDENT GRAYBILL: Hearing none, and the chairman

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of the Rules Committee having met with Mr. Cate and settled this, we will pass Rule Nineteen. All right, would the Clerk read amended Rule Twenty-Six?

CLERK HANSON: (Reading) Rule Twenty-Six: Motion that Committee of the Whole Rise. A motion that the Committee of the Whole rise and report progress shall always be in order unless a member of the Committee is speaking or a vote is being taken, and such motion shall be decided without debate by a vote of a majority of those present and voting; and provided further when the Committee of the Whole again sits, not sets, the subject under consideration prior to the motion to rise and report progress shall again be resumed.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, we amended Rule Twenty-Six by stating that a motion that the Committee of the Whole rise and report progress shall always be in order. It is the thinking of the committee, after considering this matter with Mr. Mahoney, that because of our procedure here where we might be continuing in the order of business general orders and in the Committee of the Whole overnight, that we should probably have the rule amended as it now is, and the rule then provides, also, that when you again sit that you will revert to wherever you were at the time that the committee did rise and report progress.

PRESIDENT GRAYBILL: Is there any discussion of the

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new proposed Rule Twenty-Six?

(No response)

PRESIDENT GRAYBILL: Hearing none, the Chair will pass Rule Twenty-Six. Would you read proposed Rule Twenty-Seven?

CLERK HANSON: (Reading) Rule Twenty-Seven: Reconsideration. A motion to reconsider shall be in order in the Committee of the Whole by a majority vote of those present and voting, before the Committee shall rise and finally report. A motion to reconsider shall not be renewed.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: This is substantially different than the Rule Twenty-Seven as we proposed it. Actually, in my drafting of Rule Twenty-Seven and Rule Sixty-Six, which we have not discussed but we should probably look ahead to, I anticipated the problem of the motion to reconsider within the Committee of the Whole and actually suggested to the committee in my draft that we come up with a rule such as we are now proposing. If you took the rule as the committee proposed it, it is more liberal than Rule Sixty-Six, and I think that if there is any liberality to the rule, it should be in Rule Sixty-Six rather than in Rule Twenty-Seven. This means that where we think we may be meeting from session to session, the Committee of the Whole, over recess and perhaps overnight, that the motion to reconsider can be made any time within the

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Committee of the Whole before the Committee shall arise and finally report. And that doesn't mean report progress and sit again; that means finally reporting as to the topic under discussion. Now this may mean that it may not be the next day or it may be two days later. We don't know just how we're going to run. Now the last sentence, a motion to reconsider shall not be renewed, means that you can not move to reconsider a motion to reconsider. And once you've defeated a motion to reconsider, if you do, that ends it.

PRESIDENT GRAYBILL: Is there any discussion of this rule?

(No response)

PRESIDENT GRAYBILL: All right, hearing no discussion of this rule, the Chair will pass Twenty-Seven. Pardon? Oh, I beg your pardon--Mrs. Reichert.

DELEGATE REICHERT: Mr. President, this morning you mentioned Rule Twenty-Three also having been postponed. Have you deliberately skipped that?

PRESIDENT GRAYBILL: Mrs. Reichert, I have not forgotten it. Don't worry. Is there any more discussion on Rule Twenty-Seven?

(No response)

PRESIDENT GRAYBILL: If not, we'll pass Rule Twenty-Seven. Now, does the Rules Committee have any other proposed rule changes?

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Mr. Murray.

DELEGATE MURRAY: Let us look at Rule Twenty-Three.

PRESIDENT GRAYBILL: Do you want us to read Rule Twenty-Three, Mr. Murray?

DELEGATE MURRAY: No, I'd better read it because we didn't have it duplicated, I don't believe. I think that we made the changes in the rule as is before the Convention right now. (Reading) All proposals reported by any substantive committee of the Convention shall be referred to the Committee of the Whole and become general orders to be placed upon the calendar and agenda of the Committee of the Whole by the President. (End reading) There are no changes down to that point. From there on there are some. (Reading) No committee proposal shall be considered by the Committee of the Whole until (End reading)--and then strike out: the second session day after it has been referred to the Committee of the Whole, nor until the day--the words, the second session day after it has been referred to the Committee of the Whole, nor until the day, have been striken--and substitute, forty-eight hours, so that that sentence then reads: No committee proposal shall be considered by the Committee of the Whole until forty-eight hours after the duplicated committee proposal has been placed on the Delegates' desks, unless the Convention agrees to its earlier consideration.

PRESIDENT GRAYBILL: I understand that the sense of

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the motion that the Rules Committee proposes now is to change the second session day and the one day on duplication to forty-eight hours, or two days, two full days, after it reaches the Delegates' desks. Now is there discussion on that motion--on that rule?

(No response)

PRESIDENT GRAYBILL: Is there any discussion on that rule? Mr. Murray, are you up to discuss?

DELEGATE MURRAY: Well, I don't know whether I'm up to discuss or explain. It occurs to me that we asked to have duplicated this rule. Not having it, I didn't think we did but we have an additional sentence to add on to the rule, if I can recall it. Add this sentence: No committee report shall be duplicated and placed on the Delegates' desks until after it has been reported to the Convention under Order of Business Number One. No committee report shall be duplicated and placed on the Delegates' desks until after it has been reported to the Convention under Order of Business Number One.

PRESIDENT GRAYBILL: May I ask a question of the chairman?

DELEGATE MURRAY: You bet.

PRESIDENT GRAYBILL: Does that mean that if the committee got its report out at noon some day but the Convention wasn't going to meet until the next day, that we can't run down and print it?

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DELEGATE MURRAY: It has to be reported and announced.

PRESIDENT GRAYBILL: Well, but it says, can't be duplicated. Does that mean that the printing shop can't duplicate it and have it ready? I'm just trying to find out what it means.

DELEGATE MURRAY: The intent of the rule is that it shall not at least be placed on the desks until after it is reported to the Convention because the forty-eight hours is from the placement on the desks. That's the time period--

PRESIDENT GRAYBILL: Could the Chair suggest that you might drop that duplicated word out?

DELEGATE MURRAY: I'm agreeable to that. No committee report shall be placed on the Delegates' desks until after it has been reported to the Convention under Order of Business Number One.

PRESIDENT GRAYBILL: Now, if that isn't the sense of what the people who wrote this want, I don't want to disagree with them, but it looks to me like you've fixed it so that if the committee got through at noon, you couldn't even print for another day and that--

DELEGATE MURRAY: We don't want to do that. The sense is as you suggested. We think that your suggestion is well taken.

PRESIDENT GRAYBILL: What that means is that that

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preserves the full forty-eight hours so they couldn't throw it on the desks at five o'clock some night when it hadn't been on the orders of the day, is that the idea?

DELEGATE MURRAY: Right. We're avoiding the counting of days and how you count days by getting to hours and we think this will give every Delegate an opportunity to invite the people in they'd like to invite for the debate itself and also give the Delegates the time to review the proposal before it's debated.

PRESIDENT GRAYBILL: Now, is there discussion on the amended Rule Twenty-Three which has changed the time on which the Committee of the Whole has to have notice before it can debate to forty-eight hours, and has protected that by saying that it can't be placed on the desks until after it has gone on general orders. Is there any discussion on the amended, or proposed amended Rule Twenty-Three?

(No response)

PRESIDENT GRAYBILL: If not, we'll have it passed as amended.

Mr. Aasheim.

DELEGATE AASHEIM: I should rise to a point of privilege of the chamber, I believe, but right now it just occurred to me that, after talking to one or two individuals during the recess, they are a little confused about what we are talking about. It might be quite a number. And it might be well

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now if Delegate Marshall could explain to the assembly what is meant by the Committee of the Whole and general orders. I think that maybe they don't quite understand this.

PRESIDENT GRAYBILL: Mr. Murray, you had to explain that to the Rules Committee. Would you mind explaining it to the rest of us?

DELEGATE MURRAY: Mr. President, I'm not sure I can. If you will refer to the order of business that we've proposed --whatever rule that might be--Fifty-Four--you will see how we suggest this Convention operate. It is different from the order of business proposed by Mason's, and there are reasons for that. As we hope to operate this Convention, or as we propose to you that you operate it, we are attempting to keep the debate on the committee proposals within the Committee of the Whole, and when we have an order of business, such as Order of Business Number Ten, General Orders of the Day, Committee of the Whole, that is that order of business. Now General Orders of the Day is broken down in a later rule into two categories. One has to do with the Committee on Style and its proposals, and the other has to do with the substantive committee proposals, and that's why you call it General Orders of the Day. Everybody calls it General Orders of the Day or Committee of the Whole and as I put the rules together and submitted them to the committee, it would have been a major undertaking to have used either solely Committee of the Whole

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or General Orders. But that is, as we think of committee proposals, the debate stage in this Convention. With respect to resolutions, and the rule provides that they shall be debated in either Order of Business Number One or on Order of Business Number Two, depending upon the nature of the resolution and how it is referred or handled. But, Committee of the Whole is the debate stage. When we talk about the term rise--the committee rise--that's the term when we mean it recesses or adjourns, depending on the nature of the motion that is made. If it rises and reports progress and takes leave to sit again, it is recessing unless it is overnight and, naturally, it's adjournment. It's in the nature of a recess rather than an adjournment. And if it rises and finally reports, it then is adjourning. Now, when it adjourns, it can go to another order of business. If it's in recess and you beg leave to sit again you go automatically back to that order of business and continue with General Orders of the Day or Committee of the Whole.

PRESIDENT GRAYBILL: In other words, isn't it true, Mr. Murray, that Committee of the Whole cannot recess and adjourn and walk out. It has to recess and adjourn and go back into Convention, and then recess and adjourn. Isn't that right?

DELEGATE MURRAY: Essentially so, yes.

PRESIDENT GRAYBILL: And, secondly, aren't we saying that, for purposes of Rule Twenty-Three, the way it would

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work is this--when the committee got ready to report, the chairman would come in on rule--Order of Business Number One and he'd report that the X committee is ready to report and here's it's report, and it then goes on General Orders of the Day. In other words, it's placed on General Orders of the Day and at that point the forty-eight hours starts to run. Isn't that right?

DELEGATE MURRAY: No, no. The forty-eight hours runs--

PRESIDENT GRAYBILL: All right, the forty-eight hours then runs as fast as we get it printed and on their desks after that.

DELEGATE MURRAY: When it hits the desk there shall have to be a report by the Clerk that it was distributed at such an hour.

PRESIDENT GRAYBILL: I see--

DELEGATE MURRAY: Notice, I suppose, on the board and then placed on the calendar in accordance with the forty-eight hours.

PRESIDENT GRAYBILL: I see, and the reason we put that last sentence on is so you couldn't put the report out before you really made it and then catch some time by that?

DELEGATE MURRAY: Yes.

PRESIDENT GRAYBILL: O.K. And then after it's been printed and forty-eight hours--and distributed in forty-eight

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hours runs, then any time after that we may resolve ourselves into Committee of the Whole and consider it and debate it, right?

DELEGATE MURRAY: Under the--in order of referral, yes, unless we change that order.

PRESIDENT GRAYBILL: All right. I don't know, Mr. Aasheim, if that sufficiently clarifies or confuses the issue for you.

DELEGATE AASHEIM: (Inaudible. Speaker not on.)

PRESIDENT GRAYBILL: O.K. Are there other questions about what Rule Twenty-Three may mean, or are you ready--I have passed at the moment as amended Rule Twenty-Three?

(No response)

PRESIDENT GRAYBILL: All right, Mr. Murray, what about Rule Thirty-Seven?

DELEGATE MURRAY: Mr. President, the difficulty with Rule Thirty-Seven, as explained to us by Mr. Mahoney, was that we gave the absolute power to the committee chairman to establish the committee agenda, and we feel that with the amendment we will soon announce that we have given some of that authority and that responsibility to the committee. We propose to add to the end of sentence one, which is: Each committee shall meet at the call of its chairman, who shall also set its agenda, the language: with the advise and consent of the committee. Later in the rule, if the committee should force the

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calling of a meeting because the chairman doesn't do so, it can then establish its agenda, but we don't seem to have the machinery for the committee to assist with the establishment of its agenda if the chairman calls the meeting. And since we require everything to be on the agenda once, it seems that the committee felt that this language would be proper, and so we recommend it.

PRESIDENT GRAYBILL: All right, we are considering Rule Thirty-Seven which was passed--which was skipped this morning, and the rule now reads: Each committee shall meet at the call of its chairman, who shall also set its agenda with the advise and consent of the committee. And then it goes on the same as it did this morning, and we have Mr. Aronow's point about changing Saturdays, Sundays and holidays depending upon the work week. Now, is there any discussion of this proposed amended Rule Thirty-Seven?

Mr. Davis.

DELEGATE DAVIS: Mr. President, would Mr. Murray, would you consider if you had not including Saturdays, Sundays and legal holidays, to substitute non-work days and legal holidays, would that then take care of the results of any discussion tomorrow on what our work week would be without prejudicing the committee's work?

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I'm agreeable to

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that and I don't think the committee would mind at all.

PRESIDENT GRAYBILL: All right, are you going to make an amendment, Mr. Davis?

DELEGATE DAVIS: I move that Rule Thirty-Seven be so amended by deleting Saturdays comma Sundays, and substituting therefor, non-work days.

PRESIDENT GRAYBILL: All right, Mr. Davis has proposed an amendment to Rule Thirty-Seven, as proposed by the committee, to say, within forty-eight hours not including non-work days and legal holidays, in place of Saturdays, Sundays and legal holidays. Is there discussion of the amendment?

(No response)

PRESIDENT GRAYBILL: If not, so many as are in favor of the amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: And as many as are opposed say No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. Now we are back on Rule Thirty-Seven. Are there any other proposals to the amended--the committee amended Rule Thirty-Seven?

(No response)

PRESIDENT GRAYBILL: Hearing none--Mr. Murray, are

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you going to amend it?

DELEGATE MURRAY: No. Mr. President--

PRESIDENT GRAYBILL: Yes?

DELEGATE MURRAY: Before we continue on with this chapter, I would move that since we want to get this into the journal that we adopt the amended Rules Nineteen, Twenty-Three, Twenty-Six and Twenty-Seven.

PRESIDENT GRAYBILL: How about Thirty-Seven?

DELEGATE MURRAY: I was going to take that up as we got into the chapter itself.

PRESIDENT GRAYBILL: Oh, that's the next one.

DELEGATE MURRAY: Yes.

PRESIDENT GRAYBILL: Well, the Chair is going to pass Thirty-Seven, since nobody stood up before Mr. Murray and now that we've passed Thirty-Seven, your next matter is in order, and is there any discussion? That's chapter what--three? Four? All right, skipped over Rules Nineteen, Twenty-Three, Twenty-Six and Twenty-Seven, Chapter Four, which have now all been passed, the motion is to incorporate them in Chapter Four. So many as are in favor of the motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as are opposed say No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. All right, now, Thirty-Seven has been passed; Thirty-Eight-One

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was passed this morning. Unless someone cares to reopen that now, we'll go to Thirty-Eight, Two. Will the Clerk please read--wait a minute.

Mr. Toole.

DELEGATE TOOLE: Does Thirty-Eight, One, replace the three-day notice, or is that Thirty-Eight--I'm not--

PRESIDENT GRAYBILL: It includes the three days notice.

DELEGATE TOOLE: Well, I don't want to make the same speech I made yesterday, Mr. President. On behalf of the Public Information Committee, we think that this should be changed to five days, and I made my remarks about that yesterday and I won't repeat them, but I would like to move at this time that the three be striken and the number, five, substituted in line nine of Rule Thirty-Eight.

PRESIDENT GRAYBILL: Mr. Toole has made an amendment or proposed an amendment to Rule Thirty-Eight, One, changing the number three days notice to five days. Is there further discussion on that?

Mr. Habedank.

DELEGATE HABEDANK: Mr. President, I rise in opposition to the amendment. I can appreciate the feeling of the Public Information Committee. I appreciate the feeling of the public who feels that they should have notice. I think every committee will give the public five days or more notice in

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situations where it's possible. But I do not think it's wise to tie the hands of this Convention, or the committees in doing things in the latter days when time is essential. And I feel for this reason the three days should stand.

PRESIDENT GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: I wish to speak in support of Delegate Toole's amendment. I feel that it is imperative that people all over the state have an opportunity to be heard at our public hearings. If insufficient notification is given we are defeating the very purpose of our public hearings. In a state our size, I believe it is very vital and necessary that we give at least five days notice.

PRESIDENT GRAYBILL: Mr. Arbanas.

DELEGATE ARBANAS: I'd like to inquire of someone just how those days are computed--whether the day of the notice and the day of the meeting are counted, or just how it is computed?

PRESIDENT GRAYBILL: Which may not be less than three days before the time of the hearing. So if the hearing is set for ten A.M., I suppose the notice has got to be posted ten A.M., three days before. Now, if that isn't right, the Rules Committee can correct me, but it's seventy-two hours before the notice--the beginning time of the hearing. Is there further discussion?

Mr. Berg.

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DELEGATE BERG: Mr. President, I rise in opposition to the motion. I note that Mr. Holland of the Judiciary Committee is not here today. I would like to remind you of what he said yesterday regarding the work of the Judiciary Committee. We have already published and posted a notice of our initial hearing commencing on January twentieth, 1972. These were posted yesterday in conformance with the three days notice. It is almost imperative, so far as Judiciary is concerned, that we get on with our work and if we are compelled now to re-do this notice to a five-day, we lose nearly a week.

PRESIDENT GRAYBILL: Is there any further discussion on this?

Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. Graybill, I would like to support Mr. Berg's statement. This is very important to the workings of the Judicial Committee. If it should be set at five days, may I suggest you have it in some other committee and let the Judicial Committee go ahead on the three days?

PRESIDENT GRAYBILL: If we lose we'll probably let you have a whack at a special rule.

Mr. Scanlan.

DELEGATE SCANLAN: Mr. President, I'd like an interpretation of that word, posted. Does that mean published in the newspapers of the state or just a notice hung on the wall out here somewhere?

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PRESIDENT GRAYBILL: Well, Mr. Murray, can you explain that?

DELEGATE MURRAY: There is--posted means put on the bulletin board and there's a very fancy, expensive one right out here by the counter where you buy the goodies, and that's the board we're talking about on posting, and it does not mean publication, and if we have to publish and pay the cost of publication, why we're not going to be able to meet for nine weeks.

DELEGATE SCANLAN: Mr. President, it's going to take quite a while for anyone to get from Glendive up here to read that bulletin board.

PRESIDENT GRAYBILL: Mr. Scanlan, I'm just going to mention that the press--we're depending upon the media--and they'll be disappointed if we don't let them do that for us.

Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, I'm wondering if the chairman of our Executive Committee would explain what we think is a meeting, a public meeting, and a hearing. Would you explain and tell what we've got scheduled for this week?

PRESIDENT GRAYBILL: Mr. Joyce, you have been asked a question.

DELEGATE JOYCE: Mr. President, the Executive Committee and its chairman have interpreted the word, hearing, to mean any meeting of the committee to which the general public

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is invited, and we interpreted it to mean that a hearing would not mean that the committee could not meet with certain people at its choosing without giving any notice whatever. And in that connection, the Executive Committee has, through work set in motion during recess, invited--or requested Governor Anderson to appear before our committee and arrangements--tentative arrangements were made to meet with Governor Anderson tomorrow morning at ten-thirty in the Governor's reception room with the Executive Committee. We do not interpret that meeting we are going to have tomorrow morning at ten-thirty as a hearing and I hope that clarifies it, Mr. Martin.

PRESIDENT GRAYBILL: I take it that was by way of example and not by way of announcement, Mr. --. Are you satisfied, Mr. --?

DELEGATE MARTIN: (Inaudible. Speaker not on.)

PRESIDENT GRAYBILL: Pardon?

DELEGATE MARTIN: I'd also ask that the chairman tell about the meeting we have scheduled Thursday at which the press or Delegates could also attend. Would you like to do that?

PRESIDENT GRAYBILL: Will you yield again, Mr.--

DELEGATE JOYCE: Well, I intended to do that at a more appropriate time but I'm glad to do it now.

PRESIDENT GRAYBILL: By way of example?

DELEGATE JOYCE: By way of example. The Executive

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Committee is also going to have a non-hearing but a meeting on Thursday night at seven-thirty in the Executive Committee room, at which time Mr. Richard Roeder, a member of our committee, is going to inform and elucidate for the other members of the committee and anybody else who wishes to attend, his article which he has recently written and published in the Montana Law Review in connection with the Executive Article of the Constitution.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, only one state had such a thing as a citizen's suggestion, one other state, and that was Hawaii. Only a few states had things called a Public Information Committee. We have both the Public Information Committee and the citizen's suggestion incorporated into our rules, if they are adopted. Some states, including Illinois, a major state in this country, only gave forty-eight hours notice of a committee hearing, not taking advantage of citizens' suggestions, and I think we have gone a long ways toward doing every reasonable, practical thing we can under these rules to make certain that the public participates and feels that it is participating in this Constitutional Convention and the giving of reasonable notice without hindering ourselves from making decent progress. And I submit, as I did yesterday to this group, in hearing yesterday, of course, that the three days doesn't mean that that is the notice that you have

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to give. You can give a longer period of time, but to make it five requires that you must give five days notice and I think the three days is reasonable and suggest that we stay with it.

PRESIDENT GRAYBILL: Mr. McNeil.

DELEGATE McNEIL: Mr. President, I rise to propose an amendment at that portion of Rule Thirty-Eight, immediately preceding the phrase--

PRESIDENT GRAYBILL: All right, Mr. McNeil, unless it's an amendment to the number, three, or the number, five, it's out of order. We have an amendment--Mr. Toole's amendment--to change three to five before us. Now, if you want to change it to some other number, O.K. If not--you've got to amend the amendment.

DELEGATE McNEIL: Is discussion still in order under the five day?

PRESIDENT GRAYBILL: You can certainly discuss it and I don't say that you're not in order, but I want to point out that you've got to be--you've almost got to be another number because you can't hardly amend a number by anything but another number.

DELEGATE McNEIL: Well, my suggestion would be to precede that clause with the phrase, with as much notice to the public as is practicable, so that this would, I think, provide what Mrs. Reichert is concerned with so the committees

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would give as much as practicable. It would still preserve the notices--

PRESIDENT GRAYBILL: All right,--

DELEGATE McNEIL: --already posted by the--

PRESIDENT GRAYBILL: Mr. McNeil, the Chair is going to rule that that will be in order after we get through with this amendment, but we are going to stick to the amendment which is three or five days.

Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. President, --Is this right? I'd like to tell the reasoning back of this as long as Mr. Holland is not here as president of the Judicial Committee. He felt that as long as there was a plan ready to present that this would be furthering the business of the Convention for getting a hearing started immediately if it was agreeable to the rest of the committee, and the rest of the committee said this was agreeable to them, and the notice of the committee hearing is officially posted on the board outside, and it was posted at three o'clock yesterday.

PRESIDENT GRAYBILL: All right, Mr. Ask.

DELEGATE ASK: Mr. President, the Rules Committee has discussed this and we want the public to participate, and if the Delegates will refer to Thirty-Eight, subparagraph three, they will note that there is another type of hearing or invitation given to the public that will call for five days

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notice and I think this will answer the objection of most of them here that is trying to extend the time.

PRESIDENT GRAYBILL: All right, is there further discussion on the proposed amendment?

(No response)

PRESIDENT GRAYBILL: If not, we'll vote--oh, pardon me, Mrs. Robinson.

DELEGATE ROBINSON: I'd like to speak in favor of the proposed amendment changing this to five days. I refer to Mr. Murray's statements about what other states have done in this regard and that's well and good, but not very many of the states are as large as Montana is. You know, many of these conventions weren't held in the winter time when travel is not as easy as it might be in the summer time. I am sympathetic to the problems of the Judicial Committee but there are other matters that can be taken care of before you have this public hearing and I wouldn't be opposed to them having this three day meeting but I think it's essential that we give five days notice to the people who are interested enough in these articles to come and testify. We have all kinds of things we can do in that five day interim to get things done on committees but the public involvement is necessary to get this document ratified, and I think that's just the least we can do for the people of Montana.

PRESIDENT GRAYBILL: Mr. Vermillion.

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DELEGATE VERMILLION: Mr. President, I'd like to speak in favor of Mr. Toole's motion. I'd like to point out in terms of newspapers, with a three day notice, if it were posted one day the newspapers would not publish the notice until the next day, so in effect it would be a two day notice and with the people along the length and breadth of this state with perhaps a full day's travel or more, they might have to make a decision in a matter of just a few moments of whether they're going to attend a particular committee meeting, so I would suggest, in terms of press releases, that five days would be the preferable.

PRESIDENT GRAYBILL: Mrs. Babcock.

DELEGATE BABCOCK: I'd just like to point out that you can get from Billings to Helena in forty-five minutes by jet.

PRESIDENT GRAYBILL: Now, Mrs. Robinson, you've spoken once.

Mrs. Bates.

DELEGATE BATES: In regards to this three or five days, if we could include the rest of this rule, the next three paragraphs that I think most of you are overlooking, and take this into consideration, then I have the feeling that this group will be agreeable with this three days. The other is a five day.

PRESIDENT GRAYBILL: Mr. Berg. Now, wait a minute.

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Wait a minute, Mr. Berg. Mrs. Robinson may get me in trouble because you have spoken before. Is there anyone else who hasn't spoken who wants to speak.

Mr. Scanlin.

DELEGATE SCANLIN: I beg your pardon, Mr. President, in order to clarify what I said before, I didn't say I was in favor of the amendment. Thank you.

Mr. Berg.

DELEGATE BERG: I'd like to know if Mrs. Robinson would yield to a question. I would just like to inquire how you would relieve Judiciary of the predicament it puts us in if our three day notice now is not adequate? Are we to publish a five-day notice and delay more than a week any hearing on the major program before the committee. This is a serious problem to us.

DELEGATE ROBINSON: It is a serious problem. The Judiciary Committee published notice of their hearing before the rules were even adopted. Now, that's a problem in itself. I'm sure that some special rule can be made for committee hearings that have already been set up, that those committees can go ahead and meet as scheduled. I see no problem there. But just for future matters, if we could have a five-day limit.

PRESIDENT GRAYBILL: Mr. Siderius.

DELEGATE SIDERIUS: Mr. Chairman, or Mr. President,

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I favor the five-day notice. Now, we was told a few minutes ago that we could get from Billings to here in forty-five minutes, but I've seen the time when the planes couldn't land in Kalispell for two, three days, and the same way in Missoula so I think the five-day period--I'd favor the five-day period.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Our other problem seems to be--as a committee chairman I can see lot of this. We're all chomping at the bit, waiting to get ready--to get with this thing. I was hoping to hold public meetings all next week, general public meetings. Perhaps we could work something around this where we could agree to accept these meetings that have already been announced and except for maybe the second week have hearing notices, since they are going to be general hearings, we'll accept the three-day limit but after the second week, we should accept maybe the five-day limit. That's just a suggestion.

PRESIDENT GRAYBILL: Mr. Murray, before you speak, let's get the rest of them.

Mr. Swanberg.

DELEGATE SWANBERG: Mr. President, I would like a clarification of Rule One of Section Thirty-Eight, as compared to Rule Three of Section Thirty-Eight. I notice that Rule One has a three-day time requirement and Rule Three has a five-day time requirement. I take it that Rule One with a

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three-day time requirement, is for local distribution--for our own benefit--and Section Three has to do with people outside the body, the state as a whole. Am I right in that? And if so, the rules as they stand call for five days notice to people throughout the state.

PRESIDENT GRAYBILL: Mr. Murray, I wonder if it isn't necessary at this time to expand the discussion of Thirty-Eight, One, to include Thirty-Eight, Three, so at least there is an explanation of it so people understand what you're proposing..

DELEGATE MURRAY: Mr. President, when I rose a moment ago, I was about to suggest that we pass consideration of Thirty-Eight, One, and proceed through the entire rule so Mr. Romney--and Thirty-Eight, Two, Three and Four are the Romney Rules--Mr. Romney will have an opportunity to explain how Rules Two, Three and Four will fit in with Number One and his thinking. I think that when he does so, you will recognize some of your thinking.

PRESIDENT GRAYBILL: Mr. Toole, would you allow us to hold your motion until we have read Rules Thirty-Eight, Two, Three and Four, or do you want to vote?

DELEGATE TOOLE: I will, Mr. President.

PRESIDENT GRAYBILL: All right, let's have the Clerk read Thirty-Two, Three and Four, so we'll all know what we're debating here.

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CLERK HANSON: (Reading) Each substantive committee shall hold a public hearing in the Convention Hall, at which time citizens of Montana will be invited to appear and testify, and file statements containing their testimony and views, upon any and all phases of the proposed Constitution being considered by such committee. Such witnesses may be questioned by committee members to better elucidate their testimony. All Delegates to the Convention, not members of the committee conducting the hearing may attend the hearing as auditors, to better inform themselves of the committee's progress. The substantive committees will hold their hearings, designed to secure statewide participation in deliberations on the Constitution, in a series at times fixed by the President of the Convention, so that the hearings will not interfere one with another. The President will make such announcement and invitation via the news media so that Montana citizens, near and far, will have no less than five days notice so they may be able to avail themselves of an opportunity to appear, testify, participate. These statewide general hearings will in no way inhibit standing committees to follow up with additional hearings of special character as provided elsewhere in this rule.

PRESIDENT GRAYBILL: Now, Mr. Murray, do you want--or should we have Mr. Romney explain these--Mr. Romney, would you care to explain these three sub-rules?

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DELEGATE ROMNEY: Mr. President, I would be delighted to endeavor. I am going to identify myself as a newspaper man, in accordance with the rules. I think it might be pertinent to read a rationale of this Rule Thirty-Eight, Two, Three and Four, whatever it is, so I will read this rationale which I prepared some time back prior to abbreviating this section of the rule to the size it is now, after several amputations. I read: It is desirable to have as much public participation in the deliberations of the Constitutional Convention as is possible. Such participation will permit the public to learn about the proposals offered for incorporation into the new Constitution, and to offer proposals which the Delegates can accept for incorporation in the document. It is not practical to have Delegates travel about the state holding hearings on the entire fabric of the proposed Constitution because the cost would be prohibitive, the number of localities at which hearings would have to be held to properly cover the state is too great, and any endeavor to hold a hearing on the entire Constitution in a single session at any of the places at which such hearing would be held would cover too wide a scope to make a good showing. If individual committees went into the hustings to conduct hearings, the confusion would be multiplied, the cost increased, and the public further confused. It can be argued that citizens will not go to Helena and participate in hearings because of expense,

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leaving their work and for other reasons, and these arguments possess a validity. However, if citizens do possess deep-felt views on how the Constitution should be remodeled or kept intact as of today, etcetera, they can pick up the hearings of committees considering portions of the document in which they are interested and participate or send representatives to make the points clear. Some citizens will participate by offering testimony or by mailing it to the committee and all citizens will be provided the invitation to participate. The media doubtless will attend and report that which transpires the hearings, thus affording the unattending public information concerning proposals offered. By holding a series of committee hearings, the non-members of each of the standing committees in attendance, members can learn about proposals that are being offered so they can debate the propositions involved with better understanding if and when such proposals emerge on the Convention floor from a committee. This should have a salubrious effect. Parenthetically, at this point, I wish to point out that after the debate this morning concerning the location of a subject, whether it should be in Education, Finance or Natural Resources committee, it's a very good illustration of how necessary it is for the members of all committees to attend, view, hear the discussions of other committee hearings. In this way they will be able to educate themselves on that which is transpiring in the other commit-

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tees of the Constitution as well as their own. In other words they will get a wide knowledge of the subject. I continue my reading: In legislatures, too often numbers--in legislatures, too often members, from lack of personal knowledge of a proposal, are forced to rely upon committee reports. Unless some system such as is suggested in this proposed rule is adopted, the same situation will face Delegates in the Convention. It is a sad situation when people endeavor to debate concerning which they are inadequately informed. If ordinary committee sessions are held, non-member committee members are not likely to be in attendance at sessions other than substantive committee of which they are a member. Although a number of days would be consumed in the early part of the Convention, during which the proposed ten or more hearings would be held, the grasp of the proposals confronting each of the committees, as well as the over-all situation, ought to make it possible for Delegates to perform their work with greater alacrity and more positive results. If this proposed rule were pondered by the Rules Committee--I can leave this out because this is no longer pertinent. Of course, in order to get this head start it would be necessary for the chairmen of the substantive committees to agree and for the plan to be adopted as a rule for the Convention. I end reading. I wish to point out that this rule, which is Thirty-Eight, Two, Three, Four, in no way takes away the operation of Thirty-Eight, One. It merely amplifies

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it, and I think that the three day period might suffice in the operation of Rule Thirty-Eight, One. I admit that this Rule Thirty-Eight, Two, Three, Four, is perhaps verbose. It is something like putting upon some vanilla ice cream some chocolate sauce and a maraschino cherry in order to make it a little more attractive to the public. What we are trying to do, if I sense this right, is to get the people to come in here and if they do not come in, at least they have been invited. This is a proposition of getting Mohammed to come to the mountain.

PRESIDENT GRAYBILL: All right, the Chair understands it to be the sense of Mr. Romney's three sub-paragraphs to Rule Thirty-Eight, that a series of ten hearings be held in this room to which all other Delegates would come or would be invited, to let the public present their matters in general to the committee. And that for purposes of these hearings there would be at least a five day notice. Now, with that in mind, and before you speak, Mr. Davis, I'd like to remind you that I think we are really still discussing Mr. Toole's amendment, three to five days, and I'd like to finish that up, and then we can go ahead and amend Two, Three and Four if we want to. We are on Mr. Toole's motion as to three or five days. Is there further discussion.

Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, I think you all know

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I am an advocate of openness. I am a newspaperman and certainly think we should give as much time, but I think we need to stir the pot, and I think we do that by Thirty-Eight, One, and I cordially, or heartily agree with my collegue, Miles Romney, that we should adopt Two, Three and Four.

PRESIDENT GRAYBILL: All right, now, the Chair may have been a little lax here because I want to get a ruling on this, so I'm going to ask you not to speak unless you've spoken before on the issue of three or five. Is there further discussion? Mr. Swanberg, didn't you speak to this?

DELEGATE SWANBERG: Yes.

PRESIDENT GRAYBILL: O.K., then you're out of order. Mr. Cate.

DELEGATE CATE: Mr. Toole, would you yield to a question?

PRESIDENT GRAYBILL: Mr. Toole, would you yield to a question?

DELEGATE TOOLE: Yes.

DELEGATE CATE: If there was added to your motion an amendment to follow the end of the sentence which you are amending--in other words, before the time of the hearing, except for hearing notices issued previous to the adoption of this rule, would that eliminate the conflict that the Judiciary Committee has?

DELEGATE TOOLE: I'm sure it would eliminate the con-

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flict that Judiciary has, yes.

DELEGATE CATE: O.K., thank you.

PRESIDENT GRAYBILL: Is there further discussion? Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, this is what's bothering me. I think this is fine for the five days but imagine--now you've set--you've talked this morning on three committees handling one thing and all of a sudden they in turn take it. Now we could get to the last end here and all of a sudden, by a majority vote of this body, send something back to the committee. Now if they're going to have to be stuck with five days on that to hold a hearing, I wonder--I just wonder if we couldn't go along here and space these out to five but leave this three days here that we get to the last end of this session and all of a sudden something happens, I would hate to be tied to the five days. That's what would worry me.

PRESIDENT GRAYBILL: Any further discussion of the amendment by Mr. Toole?

Mr. Studer.

DELEGATE STUDER: Mr. President, Studer from District Eight. I think we are losing sight of the fact that we have a three-day minimum for this notice but the committees can use five, six, or whatever number of days they wish if they want to. We are also forgetting that the notices are publi-

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cized by radio and television, as well as the papers, and the full time allowed will be utilized. I would be against the change to the five days.

PRESIDENT GRAYBILL: Mr. Holland.

DELEGATE HOLLAND: Regarding the change from the three days to the five days, if this is adopted, and as of today no committee that I know has given a five day notice on a hearing--if we adopt these rules today, probably the first notice can be given tomorrow. The first hearing then, if I count correctly, would be Wednesday, or Tuesday or Wednesday of next week. If we go into the further question of Two, Three and Four, where each committee is going to hold a public hearing with which no other committee can have a conflict--we've got ten committees--if their hearings take five days apiece, that's a week apiece, we are going then now into ten weeks beyond the proposed budget I understand we have to operate. Now, the reason we've been resolved into committees is so we can separate, do our work, and come back and report to the rest of the Convention. If we are going to, in effect, prohibit the other committees from working during the time the one committee is working, and we're all to come in and listen to the testimony between--before each committee, what's the sense of resolving into substantive committees at all? Why not just work as a Committee of the Whole. If we adopt the rule in its entirety, it would seem to me there would be

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no chance that we could finish this Convention on time, when you are going to have ten separate committees and none of the committees--the other nine committees cannot function when there is a--when one of the other committees is holding hearings. I don't know what kind of a study the other chairmen and vice chairmen have made, but the members of the Judiciary Committee and particularly the vice chairman and myself, have been working hard on our hearings. We have approximately ten days of hearings scheduled now with another four days at the end. I'm talking about fourteen days for our committee. Now if, by the rule that's proposed here under subdivision three, it would mean that for fourteen days the rest of the Convention would be at a standstill while they sat here and listened to us interview the witnesses we propose to bring before it. We, in turn, would sit aside for the period of time they are going to do work. It seems to me that this is the purpose of the Convention, to break up into committees and receive the testimony so we can get down to work and report back to the rest of the Convention. We come down to the fact which I think is well known, the Judiciary Committee has already scheduled hearings commencing for Thursday. We have witnesses scheduled from out of Missoula, from out of Chicago, and from out of Billings, out of various places that these people have been asked to come in. If this rule is passed in its present form then all of these witnesses will have to be rescheduled and

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some of them, I know, won't be able to come in for a matter of a week to ten days. It isn't a question that any citizen wouldn't be heard before a committee because we intend to give more than five days notice on most hearings and at the end, it is the intention of the committee to have a space of approximately four days in which people could be heard on anything on the Judiciary Committee, which they'd probably have a week to ten days notice on that hearing. It wouldn't be a question of people being shut out. The question is, are we going to settle down and get to work or are we going to sit here for five or six days while we wait for the county newspapers to publish notice. I'm all for the county newspapers publishing notice, but the truth of the matter is, the Billings Gazette, the Great Falls Tribune, the Montana Standard, the Missoula Sentinal, the TV stations and the radio stations will have this stuff hot, they'll expect us to get down to work and earn our money around here and I, for one, am not looking forward to sitting around here for four to five days with our hands tied when we are ready to go to work and come back here to the Convention with something they can consider and adopt. And I suggest that if we pass this rule, it isn't to protect the public at all, it's just to hamstring the committees so they cannot do the work they have been appointed to do. And I will have an amendment to make--to offer to the Convention in the event the rule is adopted with the five day notice.

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PRESIDENT GRAYBILL: Is there other discussion of the three and five days?

Mr. Johnson.

DELEGATE JOHNSON: Mr. President, would I be in order to present a substitute motion to Mr. Toole's motion?

PRESIDENT GRAYBILL: If it's a substitute for the three and five days.

DELEGATE JOHNSON: It says in the Rule Thirty-Eight that it not be less than three days. My substitute motion would be for not less than three days nor more than five days to get the Judiciary Committee off the hook.

PRESIDENT GRAYBILL: Well, what you've done then is say you can't give notice more than five days, and that means you can't give seven days notice. Now, if you want to do that you say so and we'll vote on it. Do you want to make that amendment?

DELEGATE JOHNSON: Yes, Mr. President, I would.

PRESIDENT GRAYBILL: All right, the sense of Mr. Johnson's amendment is to change the word, three, to not less than three nor more than five days before the time of hearing. Now is there discussion or are you ready to vote on that amendment?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, now if anyone wants to discuss it, stand up. O.K., the sense of Mr. Johnson's

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amendment to the amendment is that the notice which would be not less than three days nor more than five days before the time of hearing. All in favor of that amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and that amendment failed. Now we are back on Mr. Toole's amendment, three and five days. Is there further discussion?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the sense of his motion is to change the notice from three to five days before the time of hearing. So many as are in favor of Mr. Toole's motion to make it five days say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the motion fails. We are back on Thirty-Eight, One. Are there any other amendments?

(No response)

PRESIDENT GRAYBILL: Thirty-Eight, One, will be repassed. Now we're where we were at noon. Now, we've read Thirty-Eight, Two, Three and Four and I don't think we need to re-read them, but if anyone has any amendments or suggestions

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or any discussion or questions about Thirty-Eight, Two, we're ready.

Mrs. Bowman.

DELEGATE BOWMAN: I would like to ask if, in the third line of Thirty-Eight, Two, does it mean, Mr. Murray, that citizens must file statements containing their testimony or only that they may if they choose to?

PRESIDENT GRAYBILL: Mr. Romney, you are asked if that means must or may file statements.

DELEGATE ROMNEY: Mr. President, I think that they should. The reason is, if you have a hearing--any of these hearings--and there are a lot of witnesses that appear, they cannot all have as much time as we're taking here to discuss this matter. Two or three minutes, perhaps, would all that each could have, so it's wise for their protection that they file a statement so that the committee would have the benefit of their views. Personally, I don't care, but I think it's for their protection.

PRESIDENT GRAYBILL: Mrs. Bowman, do you have that material?

DELEGATE BOWMAN: Yes, Mr. President, and if that's the sense of that particular paragraph then I move that it be amended to read that they may file statements. I feel that many people who might otherwise come to testify will be scared away when they realize that they have to write it all down and

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present it to us first. I think it makes it too formal if we are trying to encourage citizen participation.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: I don't find any requirement in that language that anybody either have to appear, testify or file statements, and certainly not do all three. It says, will be invited, which means we request them to come and I read the rule to mean appear, testify or file statements. I don't think it's a problem.

PRESIDENT GRAYBILL: Now, Mrs. Bowman, I'd take it to be the sense of Mr. Murray's interpretation, as chairman of the rules committee, he doesn't think your amendment is necessary. Do you still want to--

DELEGATE BOWMAN: If that's the sense of it, I don't think it's necessary, either, but if it isn't the sense of it then I do feel that it's necessary.

PRESIDENT GRAYBILL: Well, let's assume that the sense of it means, and may file, when it says file--they're not required to file and then will you withdraw your amendment?

DELEGATE BOWMAN: Yes.

PRESIDENT GRAYBILL: O.K., now we're down to Mr. Delaney.

DELEGATE DELANEY: May I ask Mr. Murray a question?

PRESIDENT GRAYBILL: Yes, Mr. Murray?

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DELEGATE DELANEY: [illegible] the [illegible] Committee recommend Thirty-Eight, Two, Three and Four?

DELEGATE MURRAY: Yes. We put it out of committee with a do pass recommendation.

DELEGATE DELANEY: Thank you.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I'm concerned about the logistics of this. I'd like to ask Miles Romney a few questions if I may.

PRESIDENT GRAYBILL: I beg your pardon?

DELEGATE CHAMPOUX: I'd like to ask Miles Romney a question.

PRESIDENT GRAYBILL: Mr. Romney, will you yield to a question?

DELEGATE ROMNEY: Certainly.

DELEGATE CHAMPOUX: What I was interested in, do you see all this happening perhaps next week with maybe one committee meeting in one morning and one in the afternoon. Is that the idea that you have? Or do you see it happening throughout the Convention?

DELEGATE ROMNEY: It states, I believe, at times fixed by the President of the Convention. He could have two or three of them going at the same time and in that event, if you had too many running at the same time, then all the Delegates wouldn't be able to sit in on all of them, but you have

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to be practical in this world.

DELEGATE CHAMPOUX: What I was concerned about was--

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: If I may--I can see for instance in our committee, where are we going to put all these people, for one thing. And the time factor--are you going to limit the time here? I think it's kind of loose. What do you have in your mind, for instance, Mr. President, as to when you're going to call these meetings, if you've thought about it at all, and do you intend to duplicate the meetings--that is to say, have two at one time and so forth? I'd like to hear a little bit more on this.

PRESIDENT GRAYBILL: Mr. Romney, would you care to explain further?

DELEGATE ROMNEY: I was diverted. I didn't get the second question.

PRESIDENT GRAYBILL: Well, he wanted to know whether you'd explain a little bit further about these hearings, isn't that right, Mr. Champoux, the hearings that would be held in this room. Ask him the question again.

DELEGATE CHAMPOUX: Well, it says here, times fixed by the President of the Convention. I was directing the second question at you and that was, do you have any thought in mind as to when you can see this happening? Do you see, for instance, two or three committees holding hearings at the same

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time, for instance.

PRESIDENT GRAYBILL: Well, if you ask my opinion, I think we could do this and I had hoped we could do it a little later when the committees had drafts so that the people could comment on the drafts, but maybe they'd want to do that too. But if the Convention passes this, I'm sure we'll do it. I would think we would probably schedule them for fairly short periods, maybe two a day for a while, and see what happened and if we needed more time we'd have more later. Now, that would be my impression.

Mr. Toole.

DELEGATE TOOLE: I've just been thinking about this and I wonder if we're not going to get ourselves into a situation where we're going to have a lot of duplication, where we're going to have people coming back here two, three times to testify on the same subject, and from the standpoint of getting people in here, from the standpoint of public relations I think maybe it would gouge this thing up a little bit. I'm speaking off the top of my head now, but that's my off-hand feeling about it.

PRESIDENT GRAYBILL: Mr. Harper.

DELEGATE HARPER: This will be a little off the head but it will be from the heart, too. We've been sitting here all day, talking about rules and all, and we're getting a little tired now and when somebody gets up to speak, I notice the

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rest of us don't pay much attention and we'd just like to finish the thing, but when we were talking about whether we were going to have public hearings or not, we're on an issue that the people are interested in. Now, the people of this state could hardly imagine a Constitutional Convention without our having public hearings so that every individual and group that wanted to be heard on an issue important to them could be heard. Now, I know that we want to get through in X-amount of weeks and we're already beginning to talk as if we are harried and harrassed and nine weeks, we're making that seem like a very short time, and so maybe we don't want to take a few days for public hearings, but let me ask you Delegates this question. You and I were elected to vote on the whole Constitution. You came and we are all now divided into substantive committees. I'm on one. There are nine others. All nine others deal with issues in which I am vitally concerned. And, if I had to stand on any one of these issues, according to the rule we passed, I would have to say that I have a very personal interest as a citizen of the State of Montana in any one of these things that we're talking about. What kind of a setup--I think this is what Mr. Romney is trying to address himself to--what kind of a setup can we get up here intelligently now so that we, as well as the public, can know the kind of input that the other committees are getting, so that when we come to vote on your committee's recommendations, we

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have some way of assessing what kind of information you had to deal with before you arrived at your conclusions. Because I notice this happens in church work all the time--I think it has been happening in humanity ever since we began--we're always taking short cuts that end us up just a little bit back from where we started, and your remark a moment ago that we were back up to where we were at noon is a study of mankind's history, I think. We can, in an effort to save time and cut shot public hearings and to ram our own little committee's work through, come to a situation toward the end of time when we will be asking questions and carrying on debates on little issues that could have been cleared up had we taken this kind of procedure earlier in the Convention. So, I am very much for this kind of a suggestion, Mr. President, that Mr. Romney makes or something else that would accomplish pretty nearly the same thing.

PRESIDENT GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: I, too--Mr. President, I, too am in support of Mr. Romney's suggestion and I think that the announcement made before, perhaps prematurely, about the Executive meeting being held Thursday at seven-thirty in the Executive Committee room is going to mean that many of us who are not on the committee will be there. I'm sure that the Executive Committee room is going to be overflowing within five minutes after seven-thirty. I think we are all interested in

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what goes on in the other committees, and therefore I thoroughly support Mr.--Delegate Romney.

PRESIDENT GRAYBILL: Mrs. Reichert, that's Wednesday. Mr. Aasheim.

DELEGATE AASHEIM: I have to apologize to you members of my committee for not calling to your attention the plan that I had to take care of this that you have brought out. Now, I have thought about this matter very seriously and for a long time. How am I going to be informed about what is going on in the Judiciary? How am I going to go back to my people and give them the reasons why we should do away with the magistrate system or why we should retain the justice of the peace system. This suggestion of being able to go to these individual hearings is very good but I wonder if it's practical, and in order to overcome this, I have assigned to my intern the job of outlining the reasons for and against propositions like unicameral, bicameral, continuous legislature, the salaries, and so forth and so on. This intern will have a job of making a comprehensive report. He will also do like the Wall Street Journal or the U.S. News, make a brief report, one or two pages, so that each Delegate will be able to summarize the reasons for and against such proposals. And I think you'll be able to take this material back with you. By the way, we'll have about one hundred copies of these made for your use, and I wonder if each committee could do that because if I were to

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go to the Judiciary Committee and listen to their hearings, my memory is not that good that I can remember all the things that went on in there and I think we are going to have to have something concrete to take home with us, and I am concerned about my--Mr. Romney's--good friend, Romney, and member of my committee. I appreciate your interest and your concern but if we are going to have all these hearings, I'm concerned about the time element and also about having this material available for us to use.

PRESIDENT GRAYBILL: Further discussion?

Mr. Scanlin.

DELEGATE SCANLIN: I think I was dozing a while back when the chairman of the Judiciary Committee gave an interpretation of this paragraph three. I caught some implications there that didn't sound good. I wonder if he'd want to repeat his interpretation of paragraph three--something about taking ten to twelve weeks for this thing.

PRESIDENT GRAYBILL: I don't think so but do you want to yield to a question, Mr. Holland?

DELEGATE HOLLAND: I'll yield to a question. What is your question?

DELEGATE SCANLIN: I missed your interpretation of paragraph three.

DELEGATE HOLLAND: Well, it was my understanding of --my understanding of the proposed amendment that each substan-

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tive committee shall hold a public hearing in the Convention and that at the time of the holding of that committee's public hearing that no other of the substantive meetings--substantive committees shall hold hearings of their own and the hearings will be held in this chamber so everyone can attend and there will be no conflict between committees. That was my understanding of the meaning of this. Is that correct, Mr. Romney?

DELEGATE ROMNEY: (inaudible. Speaker not turned on) --to answer that question.

PRESIDENT GRAYBILL: Now, just a minute. You can't yield. You've got to go back to Mr. Scanlin, so you're just answering, Mr. Holland. Mr. Scanlin, do you have anything further?

DELEGATE SCANLIN: Well, if it takes an interpretation from Mr. Romney, I'll certainly yield to whoever I've got to yield to.

PRESIDENT GRAYBILL: All right, do you want to yield--

DELEGATE HOLLAND: Mr. Studer, I'll read the part I had reference to and then Mr. Romney can explain it, if it's all right.

PRESIDENT GRAYBILL: Mr. Romney, would you like to answer Mr. Scanlin's question?

DELEGATE ROMNEY: I will make an endeavor to answer him. First of all, there is no reason why meetings--hearings

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could not be held simultaneously. I did not hear the question Mr. Scanlin propounded to Delegate Holland, so I've got to ask for the question--

DELEGATE HOLLAND: --read the portion I had reference to.

PRESIDENT GRAYBILL: All right, we'll let you.

DELEGATE HOLLAND: The substantive committee will hold their hearings designed to secure statewide participation in deliberations on the Constitution in a series of times fixed by the President of the Convention, so that hearings will not interfere with one another. Now, I would take the sense of that was that the President will set, if we're going to have--for each committee have ten public hearings, he would set them in rotation, some rotation or another, the nine committees could not held public hearings while the one committee was having it and we would rotate one manner or another. We would be in a situation, if I understood the rule, where the President would do the setting of the committee's work, set time, those other nine committees could not have public hearings and this would be held in abeyance and would be--we'll take the Legislative Committee first, if they were the first ones, they would hold their public hearing. There could be no other committee hearings to interfere with that. That is the way I understood the rule.

DELEGATE ROMNEY: That is the way the gentleman

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understood the reading but that is not the way I would expect it would transpire. I would think that the President would set the hearings and perhaps have more than one. The thing says in Convention Hall. It might be that one of the hearings might have to be here and one in the Senate chamber. The idea is to get the people like Delegate Aasheim to be able to sit in on the Judiciary hearings, as he so carefully explained. It would also permit Delegates to secure the information personally and not vicariously, as Delegate Aasheim indicated could be done through the use of interns. I would prefer to have my information secured personally, rather than second hand.

PRESIDENT GRAYBILL: Mr. Romney and Mr. Murray, since it is difficult for the Delegates to discuss these one at a time, I'm going to open up Two, Three and Four and you can discuss any of Two, Three and Four. We'll consider them all at once because we're really not limiting ourselves to Two and we might just as well go ahead and consider Two, Three and Four at once. Now, Mr. Aasheim, you've spoken, so I'm going to Mr. Davis.

DELEGATE DAVIS: Mr. President, since the time is kind of dragging on some of the people, it might be appropriate at this time to establish for the benefit of the interns, the pages and the public that we are not constitutionally trying to change the word, substantive, to substansive.

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PRESIDENT GRAYBILL: Mr. Wilson.

DELEGATE WILSON: I think that our Rules Committee has done a magnificent job here in trying to set up a set of rules that would provide the public to participate in the workings and deliberations of this Convention. And I, for one, think that Rules Two and Three, when attached to Thirty-Eight certainly provide us a way for the public to have access to this Convention and I think this Convention should be able to rely on you as President to set practical times and hearings that will be practical, that will not interfere--perhaps evening meetings and so forth and I would certainly, for one, rely on your discretion in this matter.

PRESIDENT GRAYBILL: Mrs. Payne.

DELEGATE PAYNE: Thank you, Mr. Chairman. We on the Local Government Committee had decided to hold meetings next week and we also hear that the Legislative Committee is holding meetings next week and I thought maybe they'd be held concurrently. I think that, you know, I like this idea. I approve of what Mr. Romney is trying to do but I don't see how it can be practical. If people come from Missoula, maybe they would like to go, you know, tell two, three committees what they want.

PRESIDENT GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. President, I think if we analyze the entire Rule Thirty-Eight we are going to see a great

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deal of wisdom in what Mr. Romney has done. The committees are going to be meeting. They are not going to coordinate necessarily with respect to their dates and times. There are going to be people in the State of Montana who are going to be interested in several subjects that are going to be covered by several committees. It may be impossible for them to attend to those several subjects at any particular time because of conflict. There is only one way to resolve it. That is the solution that Mr. Romney has presented to us by the other subparagraphs in Rule Thirty-Eight and that is, later on during the Convention, to schedule general meetings of the various committees on days when there will be no conflict. It will serve two purposes: one, it will give every citizen of the state of Montana access without conflict to that committee as to which they have some interest; second, it will give all of us a chance to sit in on that committee meeting so we will be familiar with the real pressing problems that are assigned to that committee, because in the final analysis, we and we alone are going to cast the vote that represents the vote of the people on that particular subject. I'm not too concerned about the sixty days or the nine weeks. I think there is adequate time in which to do our work. If the committees will pay attention to the subjects they have assigned to them, do their work as they should, they will have adequate time to hear the citizens at their committee meetings, to have the general meet-

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ing, to have time to deliberate, debate and vote. If that time is not enough, then when we provided our citizens with a chance to elect us as Delegates, we told them we would make whatever sacrifices as were necessary. If additional time is necessary to turn out the type of Constitution that will serve all the people of the State of Montana, then I think we are required to give that additional time, whether it's with or without compensation. I pray and hope that will not be necessary but I suggest that Rule Thirty-Eight, as it stands now, is the only practical and wise way to have this Constution serve all people of the State of Montana. I support it.

PRESIDENT GRAYBILL: All right, is there further discussion of Rules Thirty-Eight, Two, Three and Four? And bear in mind there are no amendments at the moment. All right, Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. President, I would call your attention to the fact that we have two phrases in Two and Three that seem to me to be in conflict with one another. In part two, it says, each substantive committee shall hold a public hearing in Convention Hall. I don't have Rule Two before me but I believe that Convention Hall is this room and the lounge immediately adjacent. Then, in section three, the phrase, so that the hearings will not interfere with one another. It seems to me that there is no way that you can have more than one hearing at a time with these two provisions, be-

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cause the hearing has to be in this room and obviously you can't have two hearings going on in this room at the same time. Now, this is fine, I think, if we want to extend the time involved in having these hearings. It seems to me, however, that we would be--we could progress much better and I think do away with a lot of time consuming things here that aren't going to get us anywhere and could expedite the work of the individual committees if we did not have this time conflict and therefore I would offer the amendment that we strike the phrase, so that the hearings will not interfere with one another, and also strike the phrase in section two, in the Convention Hall. It seems to me this gives us a little more liberty to establish the time and place of these hearings.

PRESIDENT GRAYBILL: The sense of the proposed amendment is to strike the words, in Convention Hall, from subparagraph two, and the words, so that the hearings will not interfere with eachother, in subparagraph three. Is there debate on the amendment?

(No response)

PRESIDENT GRAYBILL: Hearing none, all those in favor of Mr. Harbaugh's proposed amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Chair is in doubt. Use

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your voting machines. So many as shall favor the amendment to strike these two phrases from sub-rule Two and Three, vote Aye. And so many as are opposed, vote No. Have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: We will close the vote. Will the Clerk announce the tally?

CLERK HANSON: Fifty-one Delegates voting Aye; thirty-nine voting No.

PRESIDENT GRAYBILL: So by your vote you have stricken the words, in the Convention Hall, in the first one and, so that the hearings will not interfere with one another, in the second one. I take it that will include a period after the word, Convention. All right, we are still discussing sub-rules Two, Three and Four, as amended.

Mr. Felt.

DELEGATE FELT: Mr. President and members of the Convention, we are--I am going to support this--these amendments, or this portion of the rules Two, Three and Four. I honestly don't believe they belong in the rules of procedure but I think we might as well include them since we have devoted this much time to it. I think that a simple resolution

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expressing our concern, which all of us feel and which has been orally expressed very capably on several occasions during this discussion period, that we want to be informed ourselves of what goes on in the committees. We want the public to be informed. We want the public to be able to participate. These are not really matters that we need to spell out with careful wording in the form you would put into rules of procedure and that is why, I believe, we are having so much difficulty with this. There are questions of interpretations of certain words that trouble us. I'm afraid, really, that we are becoming somewhat unrealistic or emotional in our concern and that we are expressing a lack of confidence in ourselves, in the chairmen of our committees, in the officers of our Convention. which is not necessary, and that all will do everything that is humanly possible to meet all of those objectives. Yet we feel the frustration because we know it will not be perfect and in our desire to do what might become a perfect job we are straining over a gnat and we could deal with this as the time goes on in the best manner possible and regardless of what words we use in these particular paragraphs. Thank you.

PRESIDENT GRAYBILL: Any further discussion of Thirty-Eight, Two, Three and Four?

DELEGATE (unidentified): Question.

PRESIDENT GRAYBILL: Well, we don't need a question. Mrs. Babcock.

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DELEGATE BABCOCK: I believe in line six there should be the word, only or just, after the word, not. All Delegates to the Convention, not only members of the committee conducting the hearing may attend.

PRESIDENT GRAYBILL: Mr. Romney, are you with her on that? She suggests that in the sixth line of your sub-rule Two the sentence should read: All Delegates to the Convention, not only members of the committee conducting the hearing may attend. Or, do you mean all Delegates to the Convention not members of the committee--I suppose that your point is that the members have the right to attend as members. Did you suggest an amendment or did you just call that to his attention?

DELEGATE BABCOCK: I'll make that in the form of an amendment.

PRESIDENT GRAYBILL: All right, Mrs. Babcock proposes that it say, not only members, and that requires a comma after hearing, so it would read: All Delegates to the Convention, not only members of the committee conducting the hearing, may attend the hearing as auditors. That means all can attend, not only those conducting it. Do you accept that amendment? Unless there's objection to that amendment, we'll just make that interlineation. Is there objection to that amendment?

Mr. Davis.

DELEGATE DAVIS: I think we are losing sight of the

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word, auditors. The rest of us can attend the Judiciary hearing to listen. The members of the committee are going to be participants. So, I think the word auditors in there makes it in its present form satisfactory. The rest of us can attend to audit. The members of the committee, of course, would be participating in asking questions perhaps.

PRESIDENT GRAYBILL: Actually it's good either way. I don't care how you settle it.

Mr. Habedank.

DELEGATE HABEDANK: I agree with Mr. Davis because the members of the committee would not be attending as auditors and I feel the--

PRESIDENT GRAYBILL: Mrs. Babcock, it has been suggested that it really makes sense either way and that you're confounding the thing because of the members.

DELEGATE BABCOCK: I don't want the members of the committee left out is all. It just should read, all Delegates to the Convention, not only members of the committee should attend. It sounds like the committee itself can't attend.

PRESIDENT GRAYBILL: Yes, but the sense of it now is, if you do it that way, all Delegates to the Convention may attend as auditors and the point is--Mr. Davis' point is, the members of the committee don't attend as auditors; it's the extra members that attend as auditors. Now, with your permission we'll withdraw your amendment then?

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DELEGATE BABCOCK: (No audible response; nodded in the affirmative.)

PRESIDENT GRAYBILL: All right, we've withdrawn her amendment, Mr. Romney. Now, let's see--Mr. Brazier.

DELEGATE BRAZIER: Mr. President, I would move to amend proposed Rule Thirty-Eight, sub-paragraph two, to make the number of committee hearings plural. That is, by striking the article, a, before public hearing in line one and changing hearing to hearings.

PRESIDENT GRAYBILL: What line are you on this?

DELEGATE BRAZIER: Line one.

PRESIDENT GRAYBILL: Of what?

DELEGATE BRAZIER: Rule Thirty-Eight, Two, so it would read: Each substantive committee shall hold public hearings in the Convention Hall, and so forth. The reason I--

PRESIDENT GRAYBILL: Well, now, is the President supposed to, under your theory, supposed to schedule more than one of these?

DELEGATE BRAZIER: Well, that's what I was going to say. I think we want to preserve an element of flexibility here and the reason is self-evident. I won't burden the delegation with any further argument on that point.

PRESIDENT GRAYBILL: Mr. Romney, do you mind striking a, and adding s to hearing?

DELEGATE ROMNEY: Mr. President, no, because this is

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designed to hold one full dress hearing and one only. Subsection four ties in with Thirty-Eight, the original Thirty-Eight, and it provides for additional hearings, so there's no need for having a plural there.

PRESIDENT GRAYBILL: All right, Mr. Brazier, he won't do it unless you want to make an amendment. Mr. Brazier is caucusing.

DELEGATE BRAZIER: I haven't a clear sample of opinion from my caucus yet, Mr. President. What concerns me is, some of the committees that aren't concerned with the classic articles may have more than one distinguishable subject matter and therefore it may call for more than one hearing.

PRESIDENT GRAYBILL: Well, now, we can do it either way and you make your amendment if you want to but it would seem that if the President had to schedule one on all subject matters, you've got a new ball game.

DELEGATE BRAZIER: I'm just talking about flexibility. I'll move for an amendment and yield to the wisdom of the Convention.

PRESIDENT GRAYBILL: All right, the proposed amendment is to put the--is to strike the word, a, in the first sentence and make it plural, so that the substantive committees shall hold public hearings instead of a public hearing under Two, Three and Four. I trust there's not much discussion of this. All those in favor say Aye.

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DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: Mr. Brazier, the Noes have it. It's a public hearing. Any further discussion of Two, Three and Four?

Mr. Driscoll.

DELEGATE DRISCOLL: Are we going to get an opportunity to vote on the acceptance of these three proposals? I think the Convention should get an opportunity to vote on the acceptance of these three proposals.

PRESIDENT GRAYBILL: Well, if you want--

DELEGATE DRISCOLL: --come from the Rules Committee, they are for the proposal, I think the Convention should have an opportunity to vote on them.

PRESIDENT GRAYBILL: All right, the Chair would entertain from you, Mr. Driscoll, a motion that we--well, when we're through, unless somebody else has amendments, we'll entertain a motion to drop them and then you can either win or lose, or else to adopt them. Any other amendments to these three sub-sections?

(No response)

PRESIDENT GRAYBILL: All right, if not, Mr. Driscoll will you make a motion to either accept or reject Thirty-Eight, Two, Three and Four?

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DELEGATE DRISCOLL: I so move.

PRESIDENT GRAYBILL: Well, now, see--Mr. Driscoll, you've got to choose.

DELEGATE DRISCOLL: I move we reject sub-sections Two, Three and Four.

PRESIDENT GRAYBILL: That we what?

DELEGATE DRISCOLL: Reject.

PRESIDENT GRAYBILL: Reject Two, Three and Four. Now, Mr. Driscoll has made a motion that sub-sections Two, Three and Four be rejected. The purpose of this is to test whether the Convention wants them all or doesn't want them all since they are now--we're all through amending them. Are you ready to vote on that one? All right, the sense of Mr. Driscoll's motion is that we reject these three and we'd have only Thirty-Eight, One. Or, if you--so all those in favor of Mr. Driscoll's motion to reject say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: All those in favor of--all those opposed to Mr. Driscoll's motion say Nay.

DELEGATES: Nay.

PRESIDENT GRAYBILL: The Chair is in doubt. We'll open the ballot and all those in favor please vote Aye--that's in favor of rejecting them, and all those opposed to rejecting them vote Nay. So you're voting Nay if you want them in and Aye if you want them out. Have all the Delegates voted?

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(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: The Chair has closed the ballot. Will the Clerk announce the ballot?

CLERK HANSON: Mr. President, thirty-one Delegates voting Aye; fifty-nine voting Nay.

PRESIDENT GRAYBILL: What was it? Thirty-one--

CLERK HANSON: Thirty-one voting Aye; fifty-nine voting Nay.

PRESIDENT GRAYBILL: By your vote of fifty-nine voting Nay, you have adopted Two, Three and Four.

Mrs. Bates.

DELEGATE BATES: I misunderstood the way we voted and I think I voted wrong.

PRESIDENT GRAYBILL: Do you want to explain your vote?

DELEGATE BATES: I was voting to retain this.

PRESIDENT GRAYBILL: Well, if you voted Nay, you did that.

DELEGATE BATES: I didn't.

admit it. All right, what that means is, that the sense of the Convention is that Two, Three and Four should be in there and since I presume there are no more amendments, we'll add that to One and now we'll pass Thirty-Eight, One, Two, Three and Four. Would the Clerk read Thirty-Nine?

CLERK HANSON: (Reading) Rule Thirty-Nine: Sitting of Committees During Sessions of the Convention. No committee shall sit during the sessions of the Convention or of the Committee of the Whole without having first obtained special leave of the Convention.

PRESIDENT GRAYBILL: Is there any discussion of Rule Thirty-Eight--Thirty-Nine?

(No response)

PRESIDENT GRAYBILL: If not, we'll pass Thirty-Nine. Read Forty, please.

CLERK SMITH: (Reading) Rule Forty. Subcommittees. A committee, by the affirmative vote of a majority of its members, may provide for the appointment by the committee chairman of subcommittees composed of members of the committee. Reports of subcommittees shall be considered by the entire committee before the committee recommends any action thereon by the Convention. All rules applicable to committees shall be applicable to subcommittees.

PRESIDENT GRAYBILL: Is there any discussion of Rule Thirty, or Rule Forty?

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(No response)

PRESIDENT GRAYBILL: We'll pass Rule Forty. Rule Forty-One, please.

CLERK SMITH: (Reading) Rule Forty-One: Committee Proposals. The affirmative vote of a majority of the members of a committee shall be necessary to report a proposal out of a committee. A committee by a majority of its members may submit alternative proposals to the Convention and may report proposals with or without a recommendation for action. The proposal of a minority of at least twenty-five percent of the members of any committee shall be received, duplicated in the same manner as the majority proposal, and treated as an amendment or substitute offered to or for the report of the committee if offered as such on the floor.

PRESIDENT GRAYBILL: There's more on the other side.

CLERK SMITH: (Reading) All proposals reported by a committee to the Convention shall be reported as committee proposals and shall be referred to the Committee of the Whole.

PRESIDENT GRAYBILL: Is there any discussion of proposed Rule Forty-One?

(No response)

PRESIDENT GRAYBILL: If not, Rule Forty-One will be passed. Forty-Two.

CLERK SMITH: (Reading) Rule Forty-Two: Committee Meetings and Hearings. All committee and subcommittee meet-

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ings and hearings shall be open to the public and the news media. Committees and subcommittees shall hold meetings at which action may be taken on proposals in the city of Helena or any other place which may be temporarily the seat of the Convention, and, upon the affirmative vote of a majority of the members of the committee and after consultation with and approval by the President, may hold hearings at any other place in the state. Committees and subcommittees may take testimony under oath or affirmation. The chairman of a committee or subcommittee may request the President of the Convention to subpoena documents and witnesses. A witness shall have the right to be represented by counsel of his own choosing. A recorded roll call vote on any matter on the agenda of a committee and on which a vote is to be taken shall be taken on demand of any member of the committee. A committee, after consultation with and approval by the President, may direct that a verbatim record be kept of any portion of its proceedings. Committees may meet jointly with the consent of their respective chairmen, and the consent of the President.

PRESIDENT GRAYBILL: Any discussion of Rule Forty-Two?

Mr. Vermillion.

DELEGATE VERMILLION: Mr. President, I was wondering if we might amend that, reading up from the bottom, one, two, three, four, five, six lines up, beginning with the words, on

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demand of any member of the committee, and possibly delete that section of the sentence so that it would read, A recorded roll call vote on any matter on the agenda of a committee and on which a vote is to be taken shall be taken, period.

PRESIDENT GRAYBILL: Mr. Vermillion's amendment is to strike out the words, on demand of any member of the committee, so that the sentence reads, a recorded roll call vote on any matter on the agenda of a committee and on which a vote is to be taken shall be taken. Does that require, Mr.--let me ask Mr. Vermillion a question first. Does that mean that we have to take a recorded vote?

DELEGATE VERMILLION: That's what I had in mind, yes, to record pretty much all the deliberations of the committees.

PRESIDENT GRAYBILL: In other words, the result of the amendment would be to make committee votes recorded votes. O.K., Mr. Marshall Murray.

DELEGATE MURRAY: I rise in opposition to the amendment. I think the sense of this assembly already today is that we should have roll call upon a proper demand. This rule is in accordance with a proper demand and I suggest that we just do away with the amendment, or reject the amendment and approve the rule and go on with the other thirty some rules we have to do because we're going to be very late to dinner if we don't.

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PRESIDENT GRAYBILL: Is there other discussion of the proposed amendment?

(No response)

PRESIDENT GRAYBILL: All right, we'll vote on the proposed amendment by the Ayes and Nays, and the purpose of the proposed amendment is to make committee votes recorded votes rather than recorded on demand. All those in favor of Mr. Vermillion's amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: All opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Nays have it. Is there other discussion of Rule Forty-Two?

(No response)

PRESIDENT GRAYBILL: If not, we'll pass Rule Forty-Two.

CLERK SMITH: (Reading) Rule Forty-Three: Consideration of Proposals Without Committee Recommendation. After one day's notice the Convention, on motion passed by the affirmative vote of a majority of members, may require a committee to return, with or without a recommendation, any proposal referred to the committee.

PRESIDENT GRAYBILL: Is there any discussion of proposed Rule Forty-Three?

Mr. Mahoney.

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DELEGATE MAHONEY: Would the chairman answer a question? As I understand, we will report these things back and say the committee has a lot of them. All I'm wondering is, you're not going to make them return each thing back--this is what's bothering me. Now maybe I'm reading it wrong but they may report the whole works back and I would take it here if somebody submitted a--one of the Delegates submitted a proposition, then you'd have to report that back individually. Now this is--I hope I'm wrong because I'm sure this isn't what you intended, but that's the way I read it.

DELEGATE MURRAY: Charlie, this rule is the force-out rule. This rule means that I, as a Delegate, introduce a proposal and it is placed in a committee and nothing is happening and I'm able to convince this Convention that something should happen on that and I want it back out of that committee and I can bring it here, and if the Convention decides that it should be taken away from that committee so that I get some action, they can do it. That's the force-out rule. It's to make things move.

DELEGATE MAHONEY: (Inaudible. Speaker not on.)

PRESIDENT GRAYBILL: Wait a minute, Mr. Mahoney, let's get your mike on. Are you through? You have the floor.

DELEGATE MAHONEY: The thing that's bothering me is, that there's going to--maybe there's ten or fifteen items that comes out and relating to one section. Well, I'm afraid

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that somebody could go around here and say, my thing wasn't referred out, and I just want to be sure that we understand that that's not the case. If you refer out an article and everything is taken care of--even if you didn't handle his particular position--now, this is what's worrying me.

PRESIDENT GRAYBILL: That's the idea here. If a Delegate is unhappy that his proposal wasn't considered, he has the right to try and get the Convention to get it out. You're right, and if they let it out, then we'll have to do something with it. Is there further discussion on that rule?

(No response)

PRESIDENT GRAYBILL: All right, if there's no further discussion, we'll pass Rule Forty-Three.

CLERK SMITH: (Reading) Rule Forty-Four: Last Day for Committee Proposals. The Committee of the Whole will receive no final proposal of a substantive committee after the deadline established under Rule Seventy-Nine.

PRESIDENT GRAYBILL: Any discussion of Rule Forty-Four?

(No response)

PRESIDENT GRAYBILL: Notice the amendment to Rule Seventy-Nine from Rule Eighty-One.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Yes.

DELEGATE MURRAY: Rule Seventy-Nine is the rule

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which says that the President, with the advise of the Committee on Rules and Administration, shall submit a schedule and the reason for Rule Forty-Four--it may not be necessary but it occurs to the committee that there has to be some cut-off date for this committee work and with this rule in the rules, why, we feel that the committees will be much more inclined to get their work done.

PRESIDENT GRAYBILL: Any discussion of Rule Forty-Four?

(No response)

PRESIDENT GRAYBILL: All right, we'll pass Rule Forty-Four.

CLERK SMITH: (Reading) Rule Forty-Five: Power to Incur Expenses. No Delegate or committee shall incur any expense chargeable to the Convention unless such expense is approved by the President or is authorized by resolution of the Convention. No motion or resolution calling for an expenditure of money shall be acted upon by the Convention without first being referred to the Administrative Committee for consideration and recommendation.

PRESIDENT GRAYBILL: Any discussion of Forty-Five?

(No response)

PRESIDENT GRAYBILL: If not, Forty-Five is passed. Mr. Murray, that's the end of a chapter.

DELEGATE MURRAY: Mr. President, I move that we

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adopt Rules Thirty, Thirty-One, Thirty-Two, Thirty-Three, Thirty-Four, Thirty-Five, Thirty-Six, Thirty-Seven, Thirty-Eight, Thirty-Nine, Forty, Forty-One, Forty-Two, Forty-Three, Forty-Four and Forty-Five, as we have amended them individually.

PRESIDENT GRAYBILL: Chapter Five. All those in favor of adopting Chapter Five, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. Rule Forty-Six.

CLERK SMITH: (Reading) Rule Forty-Six: Proposals, Introduction. Any suggestion, proposition or draft intended to become a part of any revised Constitution or amendment or alteration of the existing Constitution which is introduced by one or more Delegates shall be called a Delegate proposal. A Delegate proposal shall be endorsed by the Delegate or Delegates introducing it. No Delegate proposal may be introduced later than the deadline established under Rule Seventy-Nine. When a Delegate proposal is introduced it shall be referred by the President to the proper standing committee, except when he refers it to the Committee on Rules and Resolutions to determine whether its content is on the appropriate order of business. By vote of at least one-third of the Committee on Rules and Resolutions any proposal shall be referred to a

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standing committee. Where a proposal embraces subject matter which falls within the proper consideration of several committees, the President, where practicable, shall divide the proposal and refer the parts to the appropriate committees. If it is not subject to such division, the President shall refer it to an appropriate committee with instructions to consult with other committees on related matters.

PRESIDENT GRAYBILL: All right, is there discussion about Rule Forty-Six?

(No response)

PRESIDENT GRAYBILL: If not, we'll pass Forty-Six.

CLERK SMITH: (Reading) Rule Forty-Seven: Forms. One. The Executive Director, under the supervision of the President, shall prepare forms in accordance with these rules for Delegate proposals, citizen suggestions, resolutions and committee proposals. Two. The Delegate proposals shall be reproduced or duplicated. The original of all proposals shall remain in the custody of the Convention. The secretary shall, as soon as any proposal is reproduced or duplicated, place it on the desks of the Delegates. Three. All proposals must be approved as to form by some person or agency designated by the President before being introduced or submitted. Four. Any Delegate proposal which does not comply with the provisions of these rules as to form shall be referred to the appropriate committee as a citizen suggestion.

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PRESIDENT GRAYBILL: Is there any discussion of Rule Forty-Seven?

(No response)

PRESIDENT GRAYBILL: We'll pass Forty-Seven.

CLERK SMITH: (Reading) Rule Forty-Eight: Resolutions. Resolutions may be introduced by Delegates or committees. Delegate resolutions shall be given to the secretary, assigned a number and referred to the appropriate committee by the President. After consideration, the committee shall report the resolution to the Convention with or without recommendation and the resolution shall be considered under Order of Business Number One. If the rules are suspended for early consideration the secretary shall read the resolution and it shall be considered under Order of Business Number Seven. Committee resolutions shall be read by the secretary under Order of Business Number Seven and considered under Order of Business Number Seven. No recorded roll call vote shall be taken under the consideration of resolutions.

PRESIDENT GRAYBILL: All right, Rule Forty-Eight. Is there any discussion of Rule Forty-Eight?

(No response)

PRESIDENT GRAYBILL: We'll pass Rule Forty-Eight.

CLERK SMITH: (Reading) Rule Forty-Nine: Citizen Suggestions. Any subject matter presented to the Constitution suggested by a non-delegate shall be called a citizen suggest-

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ion. Citizen suggestions shall be given a number by the secretary and the original shall be referred by the President to the appropriate committee for consideration but need not be placed on the agenda of the committee. Before the Convention adjourns sine die, the original shall be returned to the Convention secretary.

PRESIDENT GRAYBILL: Any question about Rule Forty-Nine?

(No response)

PRESIDENT GRAYBILL: We'll pass Forty-Nine.

CLERK SMITH: (Reading) Rule Fifty: Present Constitution, Referral. --

PRESIDENT GRAYBILL: Just a minute. Does everyone have Fifty? The journal and the Chair don't have Fifty. All right, and now we have Fifty. The Delegates do have Fifty?

DELEGATES: Yes.

PRESIDENT GRAYBILL: All right, go ahead and read Fifty.

CLERK SMITH: (Reading) Rule Fifty: Present Constitution, Referral. The President shall refer each section of the present Montana Constitution to the appropriate Committees.

PRESIDENT GRAYBILL: Any discussion?

Mr. Champoux.

DELEGATE CHAMPOUX: (inaudible, speaker not on)--if

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I may direct it at you at this point. On this business--I don't want to bring up this public lands thing again, but we were talking a little bit about it at noon time. Now, if we hold hearings is it my understanding that after you've given the sections the committee that has the designation for the article will come out with the proposal, is that correct?

PRESIDENT GRAYBILL: Not necessarily. I have assigned them. Now if there's a committee that feels there should be a different assignment, I wish they'd bring it to my attention. I might change it. I certainly would consider it. If you are talking about one of the committee--one of the present Constitutional parts.

DELEGATE CHAMPOUX: Well, we were referring--we had a little talk about public lands at noon time. We were going to talk about it with you after the meeting today and if you, for instance, give certain sections--say if you take the public lands article and you give certain sections to Natural Resources Committee. Now, how are we going to come out with a proposal in terms of the public land article. Are we going to come out with it, individual sections, from the Natural Resources Committee and the Education Committee. Do their proposals come through the Education Committee and then we develop a proposal in consultation with them, or--do you see the problem?

PRESIDENT GRAYBILL: Well, the Chair would like to

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speak to this and try to answer it for you. First of all, all Rule Fifty does is suggest what I have already done, which is divide up the Constitution. And, I'm suggesting that if you have any problems, let me know. And, third, if you don't like the way I've divided up the Constitution, I'm sure you can do what you're going to be able to do when I refer delegate suggestions to you. You are going to be able to appeal from the decision of the Chair and get a ruling of the body as to whether or not my decision is correct, after I refuse or don't refuse to do it. Now, secondly--that's how we get it into a committee. Your question really is, how do we get it out of a committee. It would seem to me that the committeeit's assigned to certainly has the duty to at least consider it. If another committee wants to consider it, under the rules we have discussed and are still discussing, there are chances for you to ask to make it joint, at which time, if you can't agree, I'll be glad to help and I suppose in a pinch both of you can report it out and the Style and Drafting or the Convention would have to sort it out, so I think it can be done either way and it might depend--and I suppose we'd have to work with the situation, Mr. Champoux. Any further discussion on Rule Fifty?

Mr. McNeil.

DELEGATE McNEIL: Mr. President, if it would not be too great an administrative burden, I for one would like to know to which committee the articles and sections of our pre-

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sent Constitution have been referred. I, of course, know which articles and sections have been referred to the committee that I'm on but I am particularly interested in certain articles and sections of our present Constitution and without knowing to which committee they have been referred it is very difficult to assert some particular effort to keep track of their progress.

PRESIDENT GRAYBILL: All right, I'll make a note to get it to you and I'll have my secretary post the assignments I've already made. They did appear in the press but I'll have them posted. Is there further discussion of Rule Fifty?

(No response)

PRESIDENT GRAYBILL: All right, then we'll pass Rule Fifty.

CLERK SMITH: (Reading) Rule Fifty-One: Order of Consideration of Proposals. The prescribed order in which proposals introduced in the Convention are to be considered shall be as follows: Introduction. Delegate proposals shall be filed with Secretary. Delegate proposals shall be assigned a number by the Clerk, referred to the appropriate committee by the President, duplicated and distributed to Delegates. Standing Committee Consideration: Standing committees shall consider all Delegate proposals referred to the committee, prepare committee proposals, report committee proposals under Order of Business Number One. Committee proposals will be received by

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the Convention without a debate or vote. The President shall refer all committee proposals to the Committee of the Whole. The committee proposal shall be duplicated and distributed to the Delegates. Minority committee proposals signed by twenty-five percent of any committee will be duplicated and referred to the Committee of the Whole. Committee of the Whole Consideration: Committee proposals will be considered, debated and amended by the Committee of the Whole in order placed on General Orders of the Day. The Committee of the Whole shall debate and adopt by section the committee proposal. The Committee of the Whole shall report to the Convention under Order of Business Number Seven and refer the proposed article to the Committee on Style. A motion to segregate a report of the Committee of the Whole shall not be in order. Consideration and Report of Committee on Style, Articles: The Committee on Style shall make only changes as to style form and grammar. The report of the Committee on Style on each article shall be made on Order of Business Number One. The report shall be received by the Convention without debate or vote and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to the Delegates. Committee of the Whole Consideration of Report of Committee Style: The report of the Committee on Style shall be considered, debated and amended by the Committee of the Whole section by section as to style, form and grammar. The report of

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the Committee of the Whole shall be referred to Order of Business Number Five for adoption. Adoption of Articles: The convention shall adopt individual article at Order of Business Number Five, section by section, by a majority of elected Delegates and referred to Committee on Style for incorporation in proposed Constitution. Consideration and Report of Committee on Style of Proposed Constitution and Ballot: The Committee on Style shall prepare for submission to the electorate the proposals of the Convention and a ballot. The report of the Committee on Style on its proposals shall be made on Order of Business Number One and shall be received by the Convention without debate or vote and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to the Delegates. Committee of the Whole Consideration of Proposed Constitution and Ballot: The proposal of the Committee on Style shall be considered only as to the form of the proposed Constitution and the form and style of ballot. The report of the Committee of the Whole shall be referred to Order of Business Number Six. The vote on Order of Business Number Six shall be without debate and be a recorded roll call vote of all Delegates elected to the Convention. Enrolling: The President shall direct the enrolling of the final proposal or proposals of the Convention. Signing of the Constitution: The enrolled copy shall be signed by the President, attested by the Secretary and then signed by

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the other Delegates in alphabetical order.

PRESIDENT GRAYBILL: Is there discussion about Rule Fifty-One?

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, the Committee on Style had better start working now. There's a typo on the second page where it does not--in the second major heading there should be the word, on, after committee.

PRESIDENT GRAYBILL: Would you read the whole heading? Is it under--

DELEGATE SCHILTZ: The whole heading should then read: Committee of the Whole Consideration of Report of Committee--inserting on between Committee and Style--Committee on Style. It's O.K. in the body of the rule.

PRESIDENT GRAYBILL: You don't want a report on--you don't want to talk about the other committees specifically. In other words, you want the word, on, in between Committee on--

DELEGATE SCHILTZ: Well, I think that's what they mean. I don't understand anything else from it.

PRESIDENT GRAYBILL: All right, I trust that the Rules Committee will accept that amendment. Is there further discussion of Fifty-One?

(No response)

PRESIDENT GRAYBILL: All right, we pass Fifty-One.

CLERK SMITH: (Reading) Rule Fifty-Two: Required

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Vote--

PRESIDENT GRAYBILL: Wait a minute--Mr. Davis, are you on Fifty-One?

DELEGATE DAVIS: Mr. President, it may be a point that we should clear up at this time on the last portion of that where it says, Committee of the Whole Consideration of Proposed Constitution and Ballot. The last line says: The vote on Order of Business Number Six shall be without debate and be a recorded roll call vote of all Delegates elected to the Convention. It's a possibility that we might not all survive the Convention and there may be substitutions or other people, so maybe the word, elected, should be given some consideration there. It's just a thought.

PRESIDENT GRAYBILL: It's kind of a macabre thought but what do you want to do about it? Mr. Murray, do you think that elected would be presumed to mean elected or replacement for an elected Delegate? Mr. Davis?

DELEGATE DAVIS: Well, sir, it appears to me that it also seems to be a mandatory thing, that every one of the elected Delegates has to vote, not only death but also serious illness and absenteeism of other things might be interpreted as being restrictive there.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I have a solution. Suppose we amend the language of that particular sentence to

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read: The vote on Order of Business Number Six shall be without debate and be a recorded roll call fote of all Delegates--all Delegates, period. We'll strike--of the Delegates, maybe that will be the solution.

PRESIDENT GRAYBILL: All right, we've amended the proposal so that the sentence reads: The vote on Order of Business Number Six shall be without debate and be a recorded roll call vote of all the Delegates, striking elected to the Convention. So it would be whatever Delegates we had at the time. Is that all right with you, Mr. Davis?

DELEGATE DAVIS: Yes.

PRESIDENT GRAYBILL: All right, we'll assume that that's amended automatically, unless we hear other discussion about it, and we've already passed the rule unless somebody else says something else. We'll be glad to come back to it, but--O.K., we've passed Fifty-One; go to Fifty-Two.

CLERK SMITH: (Reading) Rule Fifty-Two: Required Vote on Final Consideration and Adoption. On final consideration of committee proposals, a roll call vote shall be taken section by section and entered in the journal. On adoption of the proposed Constitution and ballot, a roll call vote shall be taken on the proposed Constitution and on the ballot, and shall be entered in the journal.

PRESIDENT GRAYBILL: Is there any discussion of Rule Fifty-Two?

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(No response)

PRESIDENT GRAYBILL: Rule Fifty-Two is passed.

CLERK SMITH: (Reading) Rule Fifty-Three: Unfinished Special Orders. Any subject matter which has been made a special order for a particular day, but which is not reached on that day, shall then come up for consideration under the order of unfinished business at the next succeeding session of the Convention.

PRESIDENT GRAYBILL: Is there any discussion of Rule Fifty-Three?

(No response)

PRESIDENT GRAYBILL: Rule Fifty-Three is passed.

CLERK SMITH: (Reading) Rule Fifty-Four: Order of Business--

PRESIDENT GRAYBILL: Just a moment. Mr. Murray.

DELEGATE MURRAY: Mr. President, somehow in our typing--retyping of Rule Fifty-Four, we neglected to put on that that's the start of a new chapter, entitled Transaction of Business, so Rules Forty-Six through Fifty-Three, I think are due for a motion and I at this time move we adopt Rules Forty-Six through Fifty-Three, as they have been respectively amended.

PRESIDENT GRAYBILL: Is that Chapter Six?

DELEGATE MURRAY: And that is Chapter Six, yes.

PRESIDENT GRAYBILL: Very well, the motion has been

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made that we adopt Chapter Six. All in favor of that motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Now, Fifty-Four.

CLERK SMITH: (Reading) Rule Fifty-Four: Order of Business. After call to order, invotation and roll call the order of business of the Convention shall be as follows: One: Reports of Standing Committees; Two: Reports of Select Committees; Three: Communications; Four: Introduction and Reference of Delegate Proposals; Five: Final Consideration of Proposals; Six: Adoption of Proposed Constitution and Ballot; Seven: Motions and Resolutions; Eight: Unfinished Business; Nine: Special Orders of the Day; Ten: General Orders of the Day - Committee of the Whole; Eleven: Committee Announcements and Notices. To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Convention shall revert to order of business Number One when reconvening after a recess.

PRESIDENT GRAYBILL: Any discussion of Fifty-Four?

(No response)

PRESIDENT GRAYBILL: If not, Rule Fifty-Four is passed.

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CLERK SMITH: (Reading) Rule Fifty-Five: Roll Call. The secretary shall call the roll at the opening of each session of the Convention and the President shall announce whether a quorum is present. The President shall announce, and the secretary shall enter in the journal the names of the Delegates absent with leave of the Convention, and the names of the Delegates absent without such leave. Vote by machine may be taken whenever a roll call or a vote by Ayes and Nays is directed by or in accordance with these rules.

PRESIDENT GRAYBILL: Is there any discussion on Fifty-Five?

(No response)

PRESIDENT GRAYBILL: If not, Fifty-Five is passed. Fifty-Six.

CLERK SMITH: (Reading) Rule Fifty-Six: Petitions Entered in Journal. No memorial, remonstrance, or petition shall be read or be entered in full in the journal unless ordered read or entered in the journal by the Convention.

PRESIDENT GRAYBILL: Any discussion of Fifty-Six?

(No response)

PRESIDENT GRAYBILL: Fifty-Six is passed. Fifty-Seven.

CLERK SMITH: (Reading) Rule Fifty-Seven: Motions. When a motion is made, it shall be stated by the President, or if in writing, it shall be handed to the clerk and read aloud

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to the Convention before being debated.

PRESIDENT GRAYBILL: Any discussion of Fifty-Seven?

(No response)

PRESIDENT GRAYBILL: If not, it's passed. Fifty-Eight.

CLERK SMITH: (Reading) Rule Fifty-Eight: Reduced to Writing. Every motion or amendment shall be reduced to writing if the President or any Delegate shall request it, and shall be entered upon the journal, together with the name of the Delegate making it, unless the motion is withdrawn by the maker or is ruled out of order by the President.

PRESIDENT GRAYBILL: Any discussion of Fifty-Eight?

(No response)

PRESIDENT GRAYBILL: Fifty-Eight is passed.

CLERK SMITH: (Reading) Rule Fifty-Nine: Withdrawal of Motions. After a motion has been stated by the President or read by the secretary, it shall be deemed to be in the possession of the Convention, but it may be withdrawn by the Delegate at any time before being amended or put to vote.

PRESIDENT GRAYBILL: Any discussion of Fifty-Nine?

(No response)

PRESIDENT GRAYBILL: Fifty-Nine is passed.

CLERK SMITH: (Reading) Rule Sixty: Privileged Motions. When a question is under debate, no motion shall be

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received except: One: To fix the time to which to adjourn; Two: To adjourn; Three: To take a recess; Four: To reconsider; Five: To lay on the table; Six: For a call of the Convention; Seven: To move the previous question; Eight: To limit debate; Nine: To postpone to a day certain; Ten: To commit; Eleven: To amend; Twelve: To postpone indefinitely. The motions listed in this rule shall take precedence in the order which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question requires the affirmative vote of two-thirds of those present and voting and a motion to postpone indefinitely requires the affirmative vote of a majority of elected Delegates. When a recess is taken while a question pending, consideration of such question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, amendments to the pending proposal shall first be in order before any vote is taken on any such motion.

PRESIDENT GRAYBILL: Any discussion on Rule Sixty? Mr. Kelleher.

DELEGATE KELLEHER: I just have a couple of ques-

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tions. To commit, does that mean to return to the committee from whence it came, or what? The motion, Number Ten, to commit--Marshall, what does that mean?

PRESIDENT GRAYBILL: Mr. Murray, you are being asked a question. He wants to know what to commit means.

DELEGATE KELLEHER: He's got to look it up in the book. I'm sorry, Marshall, I can look it up in the book. I--The other one, except that a motion for the previous question requires the affirmative vote of two-thirds of those present. What does that mean? That we were debating something and we want to cut off debate, is that what that means, Marshall?

DELEGATE MURRAY: Mr. President, yes, the effect of moving the previous question is to close the debate.

DELEGATE KELLEHER: And that would require two-thirds?

DELEGATE MURRAY: That would require two-thirds of those present and voting.

PRESIDENT GRAYBILL: Are there other questions or discussions about Rule Sixty? Rule Sixty.

Mr. Blaylock.

DELEGATE BLAYLOCK: A question for Marshall. That means, though, that can't be moved in the Committee of the Whole, is that right?

DELEGATE MURRAY: Right.

PRESIDENT GRAYBILL: Other questions on Rule Sixty?

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(No response)

PRESIDENT GRAYBILL: If not, Rule Sixty will be passed. Oh, wait a minute. Excuse me, Mr. Scanlin.

DELEGATE SCANLIN: Mr. President, I don't understand that commit other than it refers to a committal service.

PRESIDENT GRAYBILL: Is there other discussion?

Mr. Brazier.

DELEGATE BRAZIER: Mr. President, I really feel that a number of us unitiated probably don't really appreciate what some of those motions are and I would respectfully request Mr. Murray to attempt to describe them in substance to us. I refer to--

PRESIDENT GRAYBILL: Mr. Murray, do you want to give them a run-down on the committees?

DELEGATE BRAZIER: Lay on the table, call of the Convention, to commit--such things as that which are probably new to a good many of us.

DELEGATE MURRAY: Mr. President, I'm not sure I can answer very many of these. These are privileged motions and they are privileged in the order they are listed. And I'm sure that to fix the time at which to adjourn is self-explanatory. Surely, to adjourn is clear. Take a recess is obvious. To reconsider, we've already gone through that. To lay on the table--I think we are all familiar with what to lay on the table means--it means we are not going to discuss that matter

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any more, unless we say to lay on the table to a day certain which--and that's the same thing as to postpone to a day certain, basically the same rules. For a call of the Convention means that outside of the Committee of the Whole, since that motion cannot be made in that committee, if you call for the Convention, we will go look for you if you are not on this floor and we will bring you back. And if we cannot find you and we have made enough progress so we can continue with the business, we will discontinue having a call of the Convention. And when we have a call of the Convention I think there is a later rule in here that says that the sergeant-at-arms and his assistants can go places and bring you back. To move the previous question is effectively the same thing as to limit debate, which is the next one. To postpone to a day certain is, again, basically the same thing as to lay on the table. It's to get rid of a matter for consideration. And to commit--it's in almost every privileged motion list that I can find but I must confess that I don't know what that means, and I'll defer to my parliamentarian, who is Charles Mahoney. Number Eleven, to amend, I think it's self-explanatory. And to postpone indefinitely is to kill. There isn't any question about that and because it is to kill, that means you have to have a majority of all the Delegates. Not present and voting, but all of them.

PRESIDENT GRAYBILL: Go ahead, Mr. Brazier.

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DELEGATE BRAZIER: Well, Marshall, perhaps a little further discussion will clarify it, but it seems to me that laying on the table, postponing to a day certain and postponing indefinitely somewhat overlap. Does laying on the table, first of all, make it possible to kill something without a vote at any future time?

DELEGATE MURRAY: Well, I have not examined Mason's, which must be our bible with respect to these matters, Goeff, and I am not prepared to discuss them in detail as such. Each of these motions can be made and as they can be made they are discussed within this book, and there are different rules legally and procedurally that apply to the making of each motion. And I'm not prepared at this time to discuss all those matters with you but I'll make a book available if you'd like to become familiar with them and wish to make any motion at any time. The reason they are here is because they are the common motions which have ordinarily been made in parliamentary circles.

PRESIDENT GRAYBILL: To lay on the table is to postpone temporarily, according to Mason's, and to commit is the same as to refer. In other words if something were brought back or were before us and we wanted to refer it to a certain committee, it's sometimes called a motion to commit it to such and such a committee. Do you have other questions?

DELEGATE BRAZIER: Well, then, if I understand cor-

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rectly, to postpone to a day certain is like laying on the table only it may continue it over until the next day or some future date.

PRESIDENT GRAYBILL: Right. Laying it on the table--it's there until somebody lays it off the table.

DELEGATE BRAZIER: All right, and to postpone indefinitely may have the effect of killing the proposal then?

PRESIDENT GRAYBILL: I think that's right.

DELEGATE BRAZIER: Thank you, one and all.

PRESIDENT GRAYBILL: Mr. Kelleher.

DELEGATE KELLEHER: What's the difference--

PRESIDENT GRAYBILL: Well, I submit that we can study Mason's. The point here is to list these motions and I'll be glad to read them for you but it might take us a long time and we've got other things--it's all discussed in detail in Mason's. We have to go to Mason's and if somebody knows, I'm perfectly happy to have them tell you, but the point is--

DELEGATE KELLEHER: I don't want to pass on something, Mr. Chairman, that I don't know what I'm doing.

PRESIDENT GRAYBILL: All right, ask your question. I'll look it up.

DELEGATE KELLEHER: What is the previous question and what is the difference between the previous question and the present question or is there such an animal as the present question?

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PRESIDENT GRAYBILL: No, the previous question is that I move the question.

DELEGATE KELLEHER: The one that's under discussion here and now?

PRESIDENT GRAYBILL: Right.

DELEGATE KELLEHER: That's all I wanted to know.

PRESIDENT GRAYBILL: That's right. It's not a new and fancy one; it's the same one we've been talking about all the time.

Mr. Studer.

DELEGATE STUDER: I would like to know how you get a motion back on the floor that has been layed on the table?

PRESIDENT GRAYBILL: It takes a two-thirds vote to bring it off the table, it is my understanding at the moment. Now, I may be wrong.

Mr. Blaylock.

DELEGATE BLAYLOCK: No, Mr. President, it will take a majority vote. All you have to do, if it has been layed on the table, is to say, I move that we take from the table the motion--whatever was before the house--and it's seconded and it's passed by a majority vote, that question is back before the house.

PRESIDENT GRAYBILL: All right, I guess that's right. It isn't one of those taking two-thirds, so you just have to take it off like you put it on.

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Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, these privileged motions, some of these are also applicable to our operation during Committee of the Whole. And I think it would maybe be a little more understandable in these rules if we would take the motions which are not applicable, which is Number Two, Number Five, Number Six and Number Seven, and then in parenthesis put Not in Committee of the Whole, so this way, looking at this rule we would know which motions were allowable in Convention and which were allowable in Committee of the Whole.

PRESIDENT GRAYBILL: May I point out a difficulty? The point is that the line on the top of the next page makes these--puts these in order of precedence and that's why they are in that order there. Do you follow me? So you've got a problem if you do that. The motions listed in this rule shall take precedence in the order in which they stand arranged, so you can't really withdraw them. Now if you want to mark them or note them, that would be all right with me.

DELEGATE ETCHART: Well, this doesn't really change anything. I just thought, as a suggestion, that maybe the members might want to do this in their own rules, but they could take this and by taking Rule--Motion Two, rather, Five, Six and Seven, they could note that these motions are not allowed in Committee of the Whole.

PRESIDENT GRAYBILL: Mr. Murray, that is correct, is

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it not, that they are not allowed in Committee of the Whole?

DELEGATE MURRAY: Yes, and specified back in the rule of the Committee of the Whole, which I think is Twenty-Eight.

PRESIDENT GRAYBILL: I wonder if the Chair would be out of order to entertain a motion that those be asterisked and the asterisk being put at the bottom saying, not in the Committee of the Whole.

DELEGATE MURRAY: Mr. President, I think it's a good idea.

PRESIDENT GRAYBILL: Mr. Etchart, would you make that kind of an amendment?

DELEGATE ETCHART: Yes, I would so move.

PRESIDENT GRAYBILL: All right, the purpose of this is to show any Delegate looking for this information quickly that motions Two, Five, Six and Seven, should have an asterisk before and after them, and then at the bottom it should say, not applicable in Committee of the Whole, or not usable in Committee of the Whole. And I take it that's the sense of Mr. Etchart's motion, or his amendment to Rule Sixty. Is there any discussion of his proposal?

(No response)

PRESIDENT GRAYBILL: If not, all those in favor of his amendment say Aye.

DELEGATES: Aye.

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PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. All right, is there any other discussion of Rule Sixty?

(No response)

PRESIDENT GRAYBILL: If not, Rule Sixty is passed. Hold up just a minute on the tape.

(Recess to change tape on recorder.)

PRESIDENT GRAYBILL: The Convention will be in order.

Mr. Arness.

DELEGATE ARNESS: Mr. President, in Rule Sixty, shouldn't section Twelve also be one of the asterisked sections? That also cannot be called up in the Committee of the Whole, as I understand it.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I didn't understand Mr. Arness. If he might say that again?

PRESIDENT GRAYBILL: The question is, isn't Motion Twelve, the motion to postpone indefinitely, also not available in Committee of the Whole?

DELEGATE MURRAY: Under Rule Twenty-Eight, it says that clearly.

PRESIDENT GRAYBILL: All right, then we'd have to have an asterisk after Twelve, too, is that correct?

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DELEGATE MURRAY: Rule Twenty-Eight says, a motion to postpone indefinitely or to table or to call to Convention shall not be in order in Committee of the Whole.

PRESIDENT GRAYBILL: All right, would you all please add an asterisk to Rule Twelve and we'll consider it amended.

Mr. Felt.

DELEGATE FELT: In connection with that matter, there are some of the others here, too, that would not be available in Committee of the Whole, but I didn't think it was necessary to make any point of it. I believe that we can end up with a very brief list of motions that are in order while in Committee of the Whole, showing those that--of course, those motions would all be debatable, but others--you could not have your Number One, or Number Three, Number Eight, or Number Nine or Number Ten. I think the only ones you could have that are on this list would be Numbers Four, which we provide for by a special rule in a very limited sense, and Number Eleven.

PRESIDENT GRAYBILL: Well, let's add asterisks to all the rest of them--

DELEGATE FELT: Well you can do that. As I say, really, the more helpful thing would be a list of those that are in order when in Committee of the Whole so that everyone would have that to use while they are under consideration of business under second reading, or Committee of the Whole.

PRESIDENT GRAYBILL: Mr. Murray.

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DELEGATE MURRAY: Earlier I agreed with some of these people that I would be happy to sit down and do this. I don't see that it needs to be made a part of these rules but I will be happy to prepare a list of the motions that can be made in Committee of the Whole since the rule that we have specifies those that cannot be made, and I will furnish it to all the Delegates.

PRESIDENT GRAYBILL: Would it then be the sense of the Convention that we take all the asterisks out and do this by a separate list that the Rules Committee will supply to us? Let's take all the asterisks out. Now, we're back where we were. All right, Rule Sixty-One.

CLERK SMITH: (Reading) Rule Sixty-One: Motions not Debatable. A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order, shall be decided without debate.

PRESIDENT GRAYBILL: Any discussion of Rule Sixty-One?

(No response)

PRESIDENT GRAYBILL: All right, pass Sixty-One. Sixty-Two.

CLERK SMITH: (Reading) Rule Sixty-Two: Order of

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Putting Questions. All questions shall be put in the order in which they are moved, except in the case of privileged motions.

PRESIDENT GRAYBILL: Any questions on Sixty-Two?

(No response)

PRESIDENT GRAYBILL: We'll pass Sixty-Two.

CLERK SMITH: (Reading) Rule Sixty-Three: Amendments Must be Germane. No motion or proposition relating to a subject different from that under consideration shall be admitted under color of an amendment or substitute.

PRESIDENT GRAYBILL: Any discussion on Sixty-Three?

(No response)

PRESIDENT GRAYBILL: All right, we'll pass Sixty-Three. Sixty-Four.

CLERK SMITH: (Reading) Rule Sixty-Four: Division of Question. Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall be subject to division within the meaning of this rule.

DELEGATES: Shall not--

CLERK SMITH: Will not be subject--excuse me.

PRESIDENT GRAYBILL: --shall not be subject to division within the meaning of this rule. Is there any discussion of Sixty-Four?

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(No response)

PRESIDENT GRAYBILL: All right, we'll pass Sixty-Four. Sixty-Five.

CLERK SMITH: (Reading) Rule Sixty-Five: Previous Question. The method of ordering the previous question, which shall not be made in the Committee of the Whole, shall be as follows: Any Delegate may move the previous question and, unless otherwise stated, the motion shall apply to the immediately pending question only. The presiding officer shall put the question: Shall the main question now be put? This shall be ordered only by the affirmative vote of two-thirds of the Delegates present and voting. Prior to the ordering of the same, a call of the Convention may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending question or questions, except demands for the Ayes and Nays, points of order, appeals from the decision of the Chair, and a motion to adjourn or to take a recess, all of which shall be decided without debate. The effect of ordering the previous question is to put an end to all debate and bring the Convention to a direct vote upon the immediately pending question, and such other pending questions as were specified in the motion in their order down to and including the main question; provided, however, that when the previous question is ordered, amendments then on the secretary's desk shall be acted upon. When a motion to recon-

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sider has been taken under the previous question and decided in the affirmative, the fact that the previous question had been ordered shall have no operation or effect with respect to the question for which reconsideration has been ordered. If the Convention refuses to order the previous question, it shall resume consideration of the pending subject as though no motion for the previous question had been made.

PRESIDENT GRAYBILL: All right, is there any question about the--or discussion or amendment about Rule Sixty-Five, Previous Question?

Mr. Felt.

DELEGATE FELT: This motion for the previous question is actually being made by him whenever he says, Question.

PRESIDENT GRAYBILL: Right.

DELEGATE FELT: And while it is very tempting to all of us many times to make the motion because we are weary or unhappy for one reason or another, the fact that you are taking away from someone their opportunity to talk, no matter how tedious or wrong they may appear to be, is something that I hope everyone would consider as a very serious matter and that it would not be used unless you feel that someone is really hampering the conduct of business to such an extreme degree that you just couldn't possibly abide by it. And perhaps this is an unnecessary comment, but there have been a few questions asked about some of these procedural matters, and this one,

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which is really quite important, I felt might deserve that little comment.

PRESIDENT GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President, would Mr. Felt yield to a question? Did I understand you to say, Jim, that when somebody out here yells Question, that's like moving? I disagree.

PRESIDENT GRAYBILL: Well--

DELEGATE BLAYLOCK: In order to move the previous question, you have to make a formal motion, saying, I move the previous question, or, I call for the question. I has to be seconded and moved by a two-thirds vote of the body.

PRESIDENT GRAYBILL: May the Chair point out--I think you're both right. You're right, Mr. Blaylock, except we don't have to have seconds here, so let's understand that. We don't need seconds. I'm not asking for seconds. Secondly, all I think Mr. Felt is saying is when someone says Question, they mean if they were on their feet and had their mike in their hand and had been recognized, they would have moved the previous question. It certainly is an indication that they want the Chair to move, but I'm not suggesting you do it, and we certainly won't recognize previous questions until somebody stands up and makes the motion. Is that right, Mr. Felt? Is that what you understood?

DELEGATE FELT: Yes, that is the way it is actually

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interpreted. I think you don't treat it as a motion unless somebody insists by standing and demanding recognition but in a general, technical sense, and I think it's so interpreted in Mason's Manual, that someone saying Question is, in effect, making a motion and often ignored, but they could insist that that's what they had done and demand that attention be paid to it.

PRESIDENT GRAYBILL: Right, but the Chair will not recognize it until you stand and ask for the floor and do you agree with me, Mr. Blaylock? I just wanted you to understand about the seconding. You don't have to have a second here. O.K.?

DELEGATE BLAYLOCK: No, not O.K.

PRESIDENT GRAYBILL: Well, that's the sense of Mason's and that's the sense of the rules and that's the way I intend to operate. Now, if you want a second to be required for every motion, then we'd better get going here, but--or do you mean just on previous question?

DELEGATE BLAYLOCK: If a member stands up here and wants to stop debate while we are in Convention and he wants debate cut off formally, he has to do that and it has to be seconded and passed by two-thirds of this body. If you just holler or yell Question, that's just a general indication out here that we'd like to vote, but if any member rises, it's the Chair's job to recognize that person so that debate can go

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until a formal motion has been made.

PRESIDENT GRAYBILL: All right, but I want to point out to you, and I think it was in one of the drafts of the rules, that we took out the requirement for a second here, so it doesn't take two people to move the previous question. I just don't want anyone misinterpreting this. Mr. Romney, am I correct?

DELEGATE ROMNEY: I think so. I'd like to ask--

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: I'd like to ask Mr. Felt a question.

PRESIDENT GRAYBILL: Mr. Felt, will you yield to a question?

DELEGATE FELT: Yes, indeed.

DELEGATE ROMNEY: Jim, in view of the fact that moving the previous question is not allowed in the rules for Committee of the Whole here, and in view of the fact there will only be one vote on each of the ten packages we get from the committees, how are you going to move the previous question?

DELEGATE FELT: I think that perhaps there will be more than one opportunity. It would have to arise perhaps under the order of business calling for motions and resolutions or during debate, such as we are having now, where matters are being considered by the Convention. I wouldn't attempt to try to peek into the future to determine just how it might come up

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but the motion--it would seem to me--could be in order and we are providing for it, at least, in our rules and so it is important that we have a general understanding of how you make the motion and the effect of the motion, knowing that it would be non-debatable and that it would serve the purpose of cutting off debate. As to exactly how or when it might come up, I don't attempt to predict where it might fit in, but it must be contemplated that it would be used or you wouldn't have any reference to it at all.

PRESIDENT GRAYBILL: Is there other--yes, Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. President, I would like to ask if the sentence, I believe it's the fifth one down, the presiding officer shall put the question--does this imply that when the motion is made by a Delegate, calling for the previous question, that then he must be recognized by the Chair?

PRESIDENT GRAYBILL: Well, it's the Chair's interpretation that if you get the floor and you do move the previous question at a proper time and are not out of order, like in Committee of the Whole, then the Chair must put the previous question.

DELEGATE HARBAUGH: Thank you.

PRESIDENT GRAYBILL: Then the body must vote on whether or not to vote. Any other discussion on Rule Sixty-Five?

(No response)

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PRESIDENT GRAYBILL: Rule Sixty-Five is passed.

CLERK SMITH: (Reading) Rule Sixty-Six: Motion for Reconsideration. Any Delegate who voted on the prevailing side may move for a reconsideration of any question at the same session day of the Convention or may give notice that he will make such a motion not later than the next succeeding session day. If the Delegate who gave the notice does not make the motion at the next succeeding session day, any Delegate may do so. The Committee on Style, Drafting and Submission may move for reconsideration on any subsequent day if one session day's notice of its intention to do so is given in writing to the secretary and entered upon the journal. A motion to reconsider shall take precedence over all other questions, except a motion to fix the time to which to adjourn, a motion to adjourn and a motion to recess. A motion to reconsider shall not be renewed.

PRESIDENT GRAYBILL: On the same day--is that in there, Mr.--? That's out, Mr. Murray?

DELEGATE MURRAY: Mr. President, the last sentence should read: A motion to reconsider shall not be renewed, period.

PRESIDENT GRAYBILL: Strike, on the same day. Mr. Murray, I'd like to ask the committee to amend so that it says The Committee on Style. Let's strike out Drafting and Submission so you don't have to put in the rest of the title.

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DELEGATE MURRAY: I agree.

PRESIDENT GRAYBILL: That's in the middle of the paragraph. Any other discussion of Rule Sixty-Six?

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, in connection with the Committee on Style clause in there, as I understand that section--it's the first time I've paid too much attention to it--it seems to me that the Committee on Style would have to make that decision on the--in other words, it doesn't have one day's leeway. It would have to make its decision to move for reconsideration twenty-four hours before it can make that motion. In other words, it must give a day's notice. Is my understanding of that correct? I'm sure we can do it but I want to be sure that's--

PRESIDENT GRAYBILL: I would understand it to say that you could--the thing is that the matter considered has been handed to your committee and you may have it for a considerable period of time. My point is, any time after you get it you can move to reconsider it but you've got to give everybody one day's notice. You're the only one who can give--that can reconsider three, four, five, six days later if you haven't been forced to report by then.

DELEGATE SCHILTZ: I'm with you now. Thank you.

PRESIDENT GRAYBILL: Anything else on Sixty-Six?

(No response)

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PRESIDENT GRAYBILL: If not, we'll pass Sixty-Six. Sixty-Seven.

CLERK SMITH: (Reading) Rule Sixty-Seven: Ordering Calls of the Convention. Calls of the Convention may be ordered upon motion by the affirmative vote of a majority of the Delegates present and voting, but the total vote in favor of such call shall not be less than twelve.

PRESIDENT GRAYBILL: Any discussion of Sixty-Seven?

(No response)

PRESIDENT GRAYBILL: Passed. Sixty-Eight.

CLERK SMITH: (Reading) Rule Sixty-Eight: Procedure on Call of Convention. After a call of the Convention is ordered, the doors shall be closed and the Delegates shall not be permitted to leave the floor of the Convention without permission of the President of the Convention. The sergeant-at-arms shall notify all members within the bar of the Convention of the call. The roll of the Convention shall be called and the absentees noted. The sergeant-at-arms may, upon motion, be dispatched after the absentees. In such case, a list of the absentees shall be furnished by the secretary to the sergeant-at-arms, who shall bring such absentees to the floor of the Convention with all possible speed. In case the sergeant-at-arms requires assistance in addition to the regularly appointed assistant sergeants-at-arms of the Convention, the President, upon motion, may deputize as a special assistant

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sergeant-at-arms any person properly qualified. The Convention may proceed to business under a call of the Convention pending the arrival of any absentees.

PRESIDENT GRAYBILL: Any discussion of Sixty-Eight?

(No response)

PRESIDENT GRAYBILL: Sixty-Eight is passed. Sixty-Nine. Oh, that's the end of a chapter. May we have a motion, Mr. Murray, that Chapter Seven be approved?

DELEGATE MURRAY: Yes, Mr. President, I move that Chapter Seven, Rules Fifty-Four through Sixty-Eight be adopted.

PRESIDENT GRAYBILL: The motion is to adopt Chapter Seven. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered.

CLERK SMITH: (Reading) Chapter Seven, Rule Sixty-Nine--Chapter Eight, Rule Sixty-Nine: Registration and Regulation. Section Fifteen of the Enabling Act regulating lobbying during the Montana Constitutional Convention is adopted by this Convention by reference. Lobbying on the floor and foyer of the Convention Hall and south Senate lobby is prohibited one-half hour prior to the commencement of the session, during the session and within one-half hour after adjournment.

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PRESIDENT GRAYBILL: Any discussion of Sixty-Nine?

(No response)

PRESIDENT GRAYBILL: Sixty-Nine is passed. That's the end of a chapter so all in favor of adopting Chapter Eight say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Seventy.

CLERK SMITH: (Reading) Rule Seventy: Reading of Documents. When the reading of a document is called for and an objection is raised to such reading, the Convention shall determine without debate whether the document shall be read.

PRESIDENT GRAYBILL: Any discussion of Seventy?

(No response)

PRESIDENT GRAYBILL: Seventy is passed.

CLERK SMITH: (Reading) Rule Seventy-One: Putting the Question. The President shall put all questions substantially in this form: As many as are in favor of, as the question may be, say Aye; and after the affirmative vote is expressed: As many as are opposed say No. If the President is in doubt as to the vote, he may order a division or roll call of the Convention. A division of the Convention may be had upon the demand of five Delegates. When a division of the

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Convention is ordered, the President shall declare the result. A recorded roll call may be had upon the demand of ten Delegates. On a tie vote the question shall be determined as lost.

PRESIDENT GRAYBILL: Mr. Murray, do I understand that we've added the word, a recorded roll call? Mr. Murray? Give Mr. Murray power, will you?

DELEGATE MURRAY: Mr. President, we have added, a recorded roll call may be had upon the demand--and I suggest and submit that we say five Delegates to conform to what we have previously done in Rule Twenty-Four.

PRESIDENT GRAYBILL: All right, the submitted Rules Committee rule, unless the rest of the committee stands and shouts, will be reduced to five, too, to conform with our action this morning and the word, recorded, is added there.

Mrs. Bowman.

DELEGATE BOWMAN: Mr. President, there is a proposed amendment to this rule on everybody's desk. It's mistyped Rule Seventy-Two but it should be Rule Seventy-One. There are also two changes which need to be made in that proposal. I have a horrible feeling you may not have gotten one.

PRESIDENT GRAYBILL: I have a horrible feeling I didn't too. Is there an extra one?

DELEGATE BOWMAN: I'm sorry, you may have mine.

PRESIDENT GRAYBILL: There may be--

DELEGATE BOWMAN: After the word, President, should

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be inserted the words, or Chairman, in the first paragraph. And in the second paragraph, after the word, Convention, should be inserted the words, or Committee of the Whole.

PRESIDENT GRAYBILL: All right, are you making this proposed amendment?

DELEGATE BOWMAN: Yes, I am, with those two inclusions in the form which is before you, I am proposing that this be adopted.

PRESIDENT GRAYBILL: All right, Mrs. Bowman's proposed amendment to Rule Seventy-One is: The President or Chairman shall put all questions substantially in this form: As many as are in favor of, as the question may be, say Aye; and after the affirmative vote is expressed, As many as are opposed say No. A roll call vote shall be taken, except that it may be dispensed with if there is no objection from any two Delegates. A division of the Convention or Committee of the Whole may be had upon the demand of five Delegates. When a division of the Convention is ordered the President shall declare the result. On a tie vote the question shall be determined as lost. Mrs. Bowman, do you care to explain any difference between that and the present Rule Seventy-One or comment on it?

DELEGATE BOWMAN: Well, I'd like to offer that--this makes in our rules--makes it mandatory for an open vote unless Delegates request that the vote be not recorded. The way it

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is written now it would have to be asked to be open.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Will Mrs. Bowman yield to a couple of questions?

DELEGATE BOWMAN: Yes.

DELEGATE MURRAY: Mrs. Bowman, is it your intention to leave out the words, if the President is in doubt as to the vote, he may order a division or roll call of the Convention?

DELEGATE BOWMAN: Yes, that is my intent.

DELEGATE MURRAY: You don't think that he should have that prerogative if he doesn't understand or hear clearly one way or the other which side may have won or lost?

DELEGATE BOWMAN: I feel that the wording, as many as are in favor of say Aye and opposed say Nay, can be interpreted the way I interpret it is that it would automatically come onto the board. There would be no voice vote unless on the demand--

DELEGATE MURRAY: Well, now, let's--assuming that there is a voice vote now--let's assume that. We've gone to that stage, if your rule should be passed. Now, doesn't the Chairman or the President have the opportunity to call for a division on his own if he's in doubt--not us, but him. It appears to me that,if the way you propose the rule, he couldn't ask for it and that's why I inquire.

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DELEGATE BOWMAN: Yes, I think you're right, Mr. Murray.

DELEGATE MURRAY: One further question. As I read the rules, as I interpret your amendment, if ninety-eight of us decide that we object but two do not, we have to have a roll call vote.

DELEGATE BOWMAN: That's right. I think that's extremely unlikely but I realize that that can happen.

DELEGATE MURRAY: And that's the way you want the motion to read?

DELEGATE BOWMAN: Right.

DELEGATE MURRAY: Mr. President, I'd like to speak. I thought we had the matter of roll call settled once and for all, having debated it at length yesterday and again today. I respectfully submit that not enough consideration has been given to the amendment as has been proposed and I suggest that we reject it and proceed with our business.

PRESIDENT GRAYBILL: Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I appreciate Mr. Murray's suggestion that we ought to move along. I take it that the only reason for suggesting that we not have roll call votes is that we want always to keep moving along; that is, we want to save time. I've heard that expressed a number of times because again and again in this Convention we have said we are for committee hearings being open, for everything being

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open, for votes being recorded, for ourselves to be always on record on any substantive issue. Anywhere along in the committee process, all the way through the final document, we want people to be able to know where we stood at any particular point of progress; that some people feel we can hurry the process along by cutting out roll call votes. I think what we've done is, we've put the cart before the horse, or we put the shoe on the wrong foot, or the amphasis on the wrong syllable, or anyway you want to put it, and Mrs. Bowman's suggestion here changes it back to where it should be. As a rule, our votes on substantive issues should be a matter of record, not an exception but as a rule, and that if the President decides, and he can usually decide whether or not this vote just ought to be taken by voice vote, he probably will be challenged very seldom by any member of the floor, he can go ahead according to this new resolution and ask for that. Calling for roll call votes, asking for divisions of the house, if we pass the rule as it is without amending it, I think may take more time in the long run than simply allowing the President or the Chairman to suggest dispersing with the roll call because of any one or two people in this body feel very strongly about having votes recorded, then what we must now do is, that person will rise and will call for a roll call vote. Now, we have been assured by men who have been here before in the legislature that if this occurs everyone is going to be courteous

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enough, that five or ten people will immediately pop up and allow that to be done. So that, if just one person here makes up his mind that everything is going to be a roll call vote, we will have to go along with it, plus all the extra baggage of going through this cumbersome process every time. Why not simply use that little machine? We can punch it almost as quickly as we can holler an Aye or a Nay, and this allows for this to be done on issues that really have some substance to them and not on every little maneuvering procedure.

PRESIDENT GRAYBILL: Is there further discussion on the amendment?

Mrs. Robinson.

DELEGATE ROBINSON: I rise to support the amendment proposed by Mrs. Bowman, primarily because, after reading back over the rules that we approved this morning, and realizing in Rule Twenty-Four we made roll calls the exception rather than the rule, and I think that's a drastic mistake for this Convention. I think that roll calls should be the rule and where procedural matters may take up too much time, there is adequate provision in the amendment that the roll call may be dispensed with. But in the interests of the public's right to know where we stand and how we vote, recorded votes should be the rule.

PRESIDENT GRAYBILL: Is there further discussion? Are you ready for the question? All right, Mr. Foster.

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DELEGATE FOSTER: Will Mrs. Bowman yield to a question?

PRESIDENT GRAYBILL: Mrs. Bowman?

DELEGATE BOWMAN: Yes.

DELEGATE FOSTER: My question is, was it your intent of the motion to have this procedure, namely, of having a roll call at all votes, apply to Committee of the Whole as well as other functions of the Convention?

DELEGATE BOWMAN: Do you mean to be sitting in Convention or are you referring to committees--substantive committees? You are talking about the Committee of the Whole?

DELEGATE FOSTER: Right.

DELEGATE BOWMAN: Yes, I asked that the word, Committee of the Whole, be inserted after the word, Convention, and that the word, Chairman, be inserted after the word, President, because when we are in the Committee of the Whole we call him Chairman.

DELEGATE FOSTER: So your intent was that your motion would apply--

DELEGATE BOWMAN: To both Committee of the Whole and the Convention.

DELEGATE FOSTER. Thank you. I would like to speak in opposition to the substitute motion for the simple reason that I think this morning we discussed rather extensively the need to keep the debate and the movement of the Convention go-

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ing and as a result of that we voted to dispense with roll call votes unless five Delegates called for a roll call vote. I think that to include this back to the Committee of the Whole would in a sense go over what we did this morning. I don't, however, favor the motion as proposed by the Rules Committee and I would submit a substitute motion if the present proposed amendment fails.

PRESIDENT GRAYBILL: Mr. Artz.

DELEGATE ARTZ: Unfortunately, this morning, when we were discussing Rule Twenty-Four, I had not had sufficient time to fully explain what we were trying to do. Now, this movement was not initiated by me. It was a spontaneous one. I certainly appreciate it and I certainly will support the motion.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: There is only one point I want to raise here. It may be a minor one but it may be important later on, and it may be something Mrs. Bowman might want to speak to, and that is, under Rule Twenty-Four, we were talking about a recorded roll call vote. Now, in the amended Section Seventy-Two, there isn't any roll--recorded--the emphasis on the word, recorded. Is there any importance to that at all?

PRESIDENT GRAYBILL: He's asking you to yield to that question, Mrs. Bowman.

DELEGATE BOWMAN: I'm sorry. I realize that I'm

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sharing this with two other people. Could I ask you to repeat it, please?

DELEGATE CHAMPOUX: All right, if you look at the accepted, passed Rule Twenty-Four--

DELEGATE BOWMAN: O.K.

DELEGATE CHAMPOUX: It talks about a recorded roll call vote.

DELEGATE BOWMAN: Yes.

DELEGATE CHAMPOUX: This may be a point that has no importance at all, but you may--it has something in terms of time, as I see it. Now, if you look at your amended Motion Seventy-One, it speaks just of a roll call.

DELEGATE BOWMAN: Recorded is implied there, Mr. Champoux.

DELEGATE CHAMPOUX: That may change the picture.

PRESIDENT GRAYBILL: Well, what do you mean, now? I understand that he--is he asking you to change it or do you make an amendment, Mr. Champoux?

DELEGATE CHAMPOUX: I was asking for the intent of the motion--whether it was to be recorded or not. She has indicated by her statement that it is to be recorded. Is that right?

PRESIDENT GRAYBILL: May I add the word, recorded, before roll call--is that the sense? And you're amending your own amendment here. O.K. So that the second sentence now

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says: A recorded roll call vote shall be taken, except that it may be dispensed with if there is no objection from any two Delegates. Any other discussion?

Mr. Heliker.

DELEGATE HELIKER: Mr. President, I rise to support the intention of Mrs. Bowman's motion; however, I think that the language needs some cleaning up, and if it's in order, I would like to move that the question be referred back to the Rules Committee with instructions to report out tomorrow morning a new section which will achieve the objective that Mrs. Bowman wishes to reach, which I think is the sensible approach to this problem because I think that the Convention can be guaranteed that there will be five people requesting roll call votes on practically every vote and this is simply a waste of time. It would be much more sensible to follow Mrs. Bowman's suggestion that we have an automatic roll call unless the President requests that it be dispensed with, as suggested here.

PRESIDENT GRAYBILL: All right, the Chair will treat your motion as one to commit. So that means that you have asked to commit this matter back to the Rules Committee. That is the sense of the motion. It takes precedence.

Mr. Murray.

DELEGATE MURRAY: I hope that it does not carry for the reason that I'm not sure that the Rules Committee would

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take any type of action on it, were it given to it, with the directions to take the actions specified in the motion. I don't like, really, to see any motion made in any deliberative body where a committee is directed to do something specific in that fashion. If the committee is directed to take further action, that's one thing. If it's directed to do something specific, I think it is wrong. At least, I think our committee would treat it as such.

PRESIDENT GRAYBILL: Mr. Heliker, what are you directing? If this motion to commit prevails, what do you want the Rules Committee to do? What's your instructions to be included in the commitment?

DELEGATE HELIKER: My motion was that they reconsider this question and report out language which would implement the intent of Mrs. Bowman's proposal.

PRESIDENT GRAYBILL: All right, that's the motion to commit. Is there any other discussion?

Mr. Drum.

DELEGATE DRUM: Mr. President, I would like Mr. Heliker to clarify the procedure as to the intent of this--what he understands the intent here is. I understood him to say that the President or Chairman would request permission to do away with the roll call vote. Now, would that decision be put to a vote and would that decision have to become a roll call vote in order to determine whether the Chairman had the right

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to--

PRESIDENT GRAYBILL: Now, Mr. Drum, is that discussion germane to his motion to reconsider--I mean, to commit?

DELEGATE DRUM: I think it's germane to the point he made, as he closed his comment.

PRESIDENT GRAYBILL: All right, we'll call it germane. Is there any other discussion of the motion to commit?

Mr. Choate.

DELEGATE CHOATE: Mr. President, I think we're overlooking one thing here. I think we're failing to consider that the Chair or the President would exercise some judicious use of the request to dispense with a roll call vote. Now, we've gotten along all day today with a voice vote on most issues on these rules, and it has saved some time. We have spent enough time on it, it seems, but even so, the voting has gone along pretty well. I don't think the Chair would abuse the right to request a dispensing of a roll call vote and on any issue that it certainly ought to be called for by roll call I am sure that the Chair would call for a roll call vote and record it. But, items that are not of major concern, and items like we've been going through today, while they're of considerable concern, I think we can expedite the voting and I don't see very much wrong with this system because if the Chair asks to have--to dispense with roll call and anyone objects to it and wants a roll call, then it can be called for.

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PRESIDENT GRAYBILL: All right, the Chair will entertain further discussion on the motion to commit, but let's limit ourselves to that issue, whether you want it committed or not.

(No response)

PRESIDENT GRAYBILL: Seeing none, the Chair will put that motion. Mr. Heliker's motion to commit this matter to the Rules Committee with instructions to consider other language that might, however, do what Mrs. Bowman's--the sense of what Mrs. Bowman's motion says. All in favor of this motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the motion to commit fails. Now we're back on Mrs. Bowman's amendment to Rule Seventy-One.

Mr. Foster.

DELEGATE FOSTER: I will yield to Mr. Murray.

PRESIDENT GRAYBILL: O.K., Mr. Murray.

DELEGATE MURRAY: Fine. Thank you. I want to direct another question, if I may. Mrs. Bowman, will you yield again, please?

PRESIDENT GRAYBILL: Mrs. Bowman, will you yield to a question?

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DELEGATE BOWMAN: Wish me luck.

DELEGATE MURRAY: Mrs. Bowman, I'm not sure that I fully understand the import of your amendment. By reference to the language in the second paragraph, a division of the Convention or Committee of the Whole may be had--are you attempting to impeach anything we've done today, earlier, in Rule Twenty-Four?

DELEGATE BOWMAN: No, I'm not at all, Mr. Murray.

DELEGATE MURRAY: O.K.

DELEGATE BOWMAN: The only thing I'm trying to do is be positive in alignment with what Mr. Harper and Mr. Heliker said, to make roll call votes the rule rather than the exception and my intent is not at all to undo what we did in Rule Twenty-Four.

DELEGATE MURRAY: I didn't think so because the division of the Convention or the Committee of the Whole, it's just as to a division--it doesn't have anything to do with the subject of roll call, does it?

DELEGATE BOWMAN: Well, you're the expert on parliamentary--

DELEGATE MURRAY: I didn't draft the amendment.

DELEGATE BOWMAN: I'm not. I don't think it does.

DELEGATE MURRAY: All right, another question. Are you attempting to impeach Rule Forty-Eight, Resolutions, which we already passed this afternoon? The last sentence says, no

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recorded roll call votes shall be taken under the consideration of resolutions.

DELEGATE BOWMAN: Well, I think there would probably be some question as to whether you could call questions, in the first line, resolutions, and my original intent was not to mean resolutions.

DELEGATE MURRAY: O.K., thank you.

PRESIDENT GRAYBILL: Is there other discussion?

Mr. Foster.

DELEGATE FOSTER: Mr. President, I offer a substitute motion.

PRESIDENT GRAYBILL: Is it in writing?

DELEGATE FOSTER: It is essentially the same as Rule Seventy-One which was--the substitute Rule Seventy-One which was presented to you.

PRESIDENT GRAYBILL: All right, I'll hear it.

DELEGATE FOSTER: It's essentially as it was originally written, removing President or Chairman--in other words it would read, the President shall, in the first sentence, and in addition to that, following the second paragraph, shall not--this rule shall not apply to Committee of the Whole or committee meetings. In addition to that, it would be, following the second paragraph would read, if the President is in doubt as to the vote, he may order a division or call of the Convention. The intent of the substitute motion is to have

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roll call votes apply to all votes of the Convention with the exception of the Committee of the Whole, as previously provided under Rules Twenty-Four and Fifty-Eight. This would insure that we have roll call votes for the few votes we anticipate in the so-called final third debate stage, third reading stage. My intent is that we should not require Delegates to rise and request roll call votes at the important stage of finally approving the business of the Convention.

PRESIDENT GRAYBILL: Is there any discussion of the proposed second amendment?

Mr. Murray.

DELEGATE MURRAY: Mr. President, I think we are compounding the problem and I submit that the other states, when they passed the rules substantially the same as ours as amended by the Rules Committee and submitted, were right. We should not be standing on this floor without coming in advance to the Rules Committee with these amendments and be attempting to amend them on the floor. Nobody came to the committee, although we met two hours over lunch with Mr. Mahoney to propose such an amendment, although I understand at lunch, somewhere in this town, this amendment was conceived. I therefore suggest that we reject the substitute and the substitute and proceed.

PRESIDENT GRAYBILL: Is there further discussion of Mr. Foster's motion?

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(No response)

PRESIDENT GRAYBILL: All right, we're going to vote on Mr. Foster's amendment. It is: The President shall put all questions substantially in this form: As many as are in favor of, as the question may be, say Aye; and after the affirmative vote is expressed, as many as are opposed say No. A recorded--I assume you want the word recorded in there--A recorded roll call vote shall be taken, except that it may be dispensed with if there is no objection from any two Delegates. This rule shall not apply to Committee of the Whole or committee meetings. A division of the Convention--and I think you meant to leave out the other parenthetical expression--may be had upon the demand of five Delegates. When a division of the Convention is ordered the President shall declare the result. If the President is in doubt he may call for a division and on a tie vote the question shall be determined as lost. As many as are in favor of Mr. Foster's second amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the amendment fails. We are back on Mrs. Bowman's amendment. Is there further discussion?

(No response)

PRESIDENT GRAYBILL: If not, we'll put that motion.

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Rule Seventy-One: Putting the Question. The President or Chairman shall put all questions substantially in this form: As many as are in favor say Aye and as many as are opposed say No, and so forth. A recorded roll call vote will be taken except that it will be dispensed with if there is no objection from any two Delegates. A division of the Convention or Committee of the Whole may be had upon demand of any five Delegates, and so forth. Mr. Driscoll, for what purpose does the Delegate rise?

DELEGATE DRISCOLL: Point of clarification. I would like to know what this sentence means: A roll call vote may be taken, except that it may be dispensed with if there is no objection from any two Delegates. I don't know what it means.

PRESIDENT GRAYBILL: I think the problem is you've got a double negative in there that Mr. Driscoll has discovered.

DELEGATE BOWMAN: I think you're right, Mr. Driscoll. I think there's a typographical error here but I'm not really positive.

PRESIDENT GRAYBILL: I think you want to take out the word no, Mrs. Bowman. All right, we'll take out the word no for you, Mrs. Bowman. Does that satisfy you, Mr. Driscoll?

DELEGATE DRISCOLL: (No audible response.)

PRESIDENT GRAYBILL: All right, now, we'll put the question again. It's Rule Seventy-One, amended, and the sense

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of it is that the President or the Chairman, so it applies to either the Convention or the Committee of the Whole, shall generally ask for Ayes and Nays and a recorded roll call vote will be taken unless two Delegates--unless it's--shall be taken except that it may be dispensed with if there is no objection from any two Delegates. I think we'd do what we said this morning. The Chair would say we'll dispense with a roll call vote unless there are two objections and that's how it would work, and then the rest of it's the same. Now, as many as are in favor of Mrs. Bowman's motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: As many as are opposed say No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and that motion does not prevail--that amendment. Now, we're back on Rule Seventy-One, and are there other amendments to Rule Seventy-One?

(No response)

PRESIDENT GRAYBILL: If not, the Chair will pass it. So stand up if you want to amend it. All right, we'll pass Seventy-One. Now, we'll go to Seventy-Two. Recognition during Roll Call, Rule Seventy-Two.

CLERK SMITH: (Reading) Recognition During Roll Call. After a question has been stated by the President, and the call of the roll has been started, the President shall not recog-

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nize a Delegate for any purpose except upon points of order, or for the purpose of explaining his vote on a proposal or amendment thereto, until after the announcement of the vote. The clerk shall enter upon the journal the names of those voting Aye and the names of those voting No.

PRESIDENT GRAYBILL: Is there any discussion of Rule Seventy-Two?

(No response)

PRESIDENT GRAYBILL: If not, Seventy-Two will be taken as passed. Now, before we go to Seventy-Three, Mr. Etchart, you made a motion and actually I think it passed back there about the asterisks, we're going to leave the motion but we're going to make the showing in the journal that you deleted--that it has been deleted as not germane. O.K., now we're on Seventy-Three.

CLERK SMITH: (Reading) Rule Seventy-Three: Roll Call. At the roll call to be taken at the opening of each session and upon calls of the Convention, the names of the Delegates shall be called alphabetically or the voting machine shall be used, and the absentees noted, after which the names of the absentees shall not be called.

PRESIDENT GRAYBILL: Any discussion of Seventy-Three?

(No response)

PRESIDENT GRAYBILL: Passed. Seventy-Four.

CLERK SMITH: (Reading) Rule Seventy-Four: Amend-

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ment or Suspension of Rules. These rules may be amended by the affirmative vote of a majority of Delegates after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules, and has been in the possession of the Delegates not less than two session days prior to its consideration. The Committee on Rules may be discharged from further consideration of any proposed amendment upon the same notice and by the same vote as is provided in Rule, blank--

DELEGATE (Unidentified): Forty-Three.

CLERK SMITH: --Rule Forty-Three for proposals. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds of the Delegates present or a majority of all Delegates of the Convention, whichever constitutes the lesser number.

PRESIDENT GRAYBILL: Is there any discussion of Rule Seventy-Four?

(No response)

PRESIDENT GRAYBILL: All right, it's passed.

CLERK SMITH: (Reading) Rule Seventy-Five: Appeals --Form of Question: On all appeals from decisions of the Chair the question shall be: Shall the appeal be sustained? A favorable vote of a majority of the Delegates present and voting shall sustain the appeal. The presiding officer may cast his vote on an appeal from his decision, and he shall have the right to explain his decision.

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PRESIDENT GRAYBILL: Any discussion on Seventy-Five?

(No response)

PRESIDENT GRAYBILL: Passed. Seventy-Six.

CLERK SMITH: (Reading) Rule Seventy-Six: Mason's Rules of Legislative Procedure. In all cases not covered by these rules, the controlling parliamentary authority shall be the latest edition of Mason's Rules of Legislative Procedure.

PRESIDENT GRAYBILL: Any discussion?

(No response)

PRESIDENT GRAYBILL: Passed.

CLERK SMITH: (Reading) Rule Seventy-Seven: Voting by the Electrical Roll Call System. When the Convention is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the presiding officer shall announce: The question is on the passage of, designating the matter to be voted upon. All in favor of such question shall vote Aye, all opposed shall vote Nay. The Convention will now proceed to vote. After affording the Delegates sufficient time in which to vote, the presiding officer shall announce: Has every Delegate voted? Then, Does any Delegate wish to change his vote?; and after a short pause he shall then say: The vote is now closed and the clerk shall proceed to record the vote. The clerk shall immediately start the vote recording equipment, and when completely recorded, the President shall announce the result.

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The secretary shall enter upon the journal the result in the manner provided by the rules of the Convention. No Delegate may cast the vote of another Delegate in any session of the Convention, Committee of the Whole or committee meeting, nor shall any person not a Delegate cast a vote for any Delegate. Any Delegate who votes or attempts to vote for another Delegate may be punished in such manner as the Convention determines. If a person not a Delegate votes or attempts to vote for any Delegate, he shall be barred from the floor of the Convention for the remainder of the session and may be further punished in such manner as the Convention determines proper. Proxy voting is not permitted.

PRESIDENT GRAYBILL: Any discussion of Rule Seventy-Seven?

DELEGATES: There is more.

CLERK SMITH: (Reading) At no time shall the voting machine show a running tally of the votes being cast by Delegates, and the colored lights next to the Delegates' names shall be used at all times.

PRESIDENT GRAYBILL: Now, is there any discussion of Rule Seventy-Seven?

Mr. Cate.

DELEGATE CATE: Mr. President, this is the point I brought up earlier about the voting machine. In order for a Delegate seated here to know under Rule Sixty-Six whether or

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not he will be on the prevailing side of an issue so he might move to reconsider the next day, it is going to be necessary that we have the running tally. And Mr. Foster, I think is the one who suggested that we do not have it, but I think it's essential that we do have it for that purpose, so I would move that that last sentence be stricken.

PRESIDENT GRAYBILL: Mr. Cate, I don't understand you at all. To find out if you're on the prevailing side, you wait until the tally is announced. Now, you don't have to see it totaling up there to know if you're on the prevailing side. You have all day to move for reconsideration. I don't understand you.

DELEGATE CATE: Well, as I understand the motion to reconsider, you have to have been on the prevailing side of the vote--

PRESIDENT GRAYBILL: Right.

DELEGATE CATE: --to make the motion. And looking at that board on a close vote, you can't tell from out here because the numbers are not going up there until after you call for the vote, so the vote's over by the time you know whether or not you were on the prevailing side.

PRESIDENT GRAYBILL: That's right.

DELEGATE CATE: And if you're on the losing side, how are you going to move to reconsider?

PRESIDENT GRAYBILL: You aren't. That's the whole

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point of the motion.

DELEGATE CATE: Right, and that's my point of having the running tallys so that you can make sure you're on the right side.

PRESIDENT GRAYBILL: I think, Mr. Cate, your problem is that the point of the whole idea of reconsidering is that you have to be on the prevailing side in order to reconsider and give the other side another chance and, of course, you never know that until the vote's completed, and it is not a matter of changing. Now, I think you merely misconceive the nature of the rule but if you want to make an amendment, you make one.

DELEGATE CATE: I might not understand the motion to reconsider but I know that in the legislature and in Congress it's done all the time. You make sure you're on the prevailing side. Oftentimes you will find a Senator or Congressman who will pass just to find out which side is going to win and then he comes in and votes so that he can move to reconsider at a later time.

PRESIDENT GRAYBILL: Well, but the point is, anyone can move to reconsider who happens to end up on the prevailing side.

DELEGATE CATE: You get a friend to do it for you.

PRESIDENT GRAYBILL: Right, and if you want to make an amendment, you make it and we'll vote on it.

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DELEGATE CATE: I don't wish to make an amendment.

PRESIDENT GRAYBILL: O.K., fine.

Mr. Joyce.

DELEGATE JOYCE: (Inaudible)--member of the Rules Committee to try and move its own rules after having gone along with--

PRESIDENT GRAYBILL: A little closer to the mike.

DELEGATE JOYCE: --the committee, but I move to strike the last paragraph of Rule Seventy-Seven.

PRESIDENT GRAYBILL: All right, a motion has been made to strike the last paragraph of Rule Seventy-Seven. Is there discussion on the rule--on the motion?

Mr. Habedank.

DELEGATE HABEDANK: Mr. President, the reason for the insertion of this paragraph is the result of an extended debate previously in that the people sitting up in this front row thought it was a little unfair that the people sitting in the back end of the auditorium should have the privilege of determining who was going to win and then be on the winning side, and all this does is eliminate that running tally, and for that reason, I resist striking it. I think people can see where they're voting, but as far as the running tally is concerned you will have to count rather quickly to know which side you're on.

PRESIDENT GRAYBILL: Is there further discussion?

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(No response)

PRESIDENT GRAYBILL: All right, we'll put that motion. Mr. Joyce's motion is to eliminate the running tally language in the last sentence of Rule Seventy-Seven. All in favor of that motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed?

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the motion fails. Is there any other discussion of Rule Seventy-Seven?

Mr. Champoux.

DELEGATE CHAMPOUX: Again I rise to ask whether you mean, in the first paragraph--or, the Rules Committee means, to have this a recorded roll call vote, and if so, we should perhaps state it in the motion.

PRESIDENT GRAYBILL: Do you want the word, recorded, before roll call, Mr. Murray?

DELEGATE MURRAY: I don't object to that.

PRESIDENT GRAYBILL: We're putting--the committee is amending, unless the other committee members object, to say a recorded roll call--the first two or three words of the second line of the whole rule. We'll just put that in by interlineation to clarify that. Any other discussion of Rule Seventy-Seven?

(No response)

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PRESIDENT GRAYBILL: If not, Rule Seventy-Seven is passed. Seventy-Eight.

CLERK SMITH: (Reading) Present Votes: Votes cast as present shall be recorded in the journal as present, but such votes shall not be counted in determining the required number of votes on those measures or questions needing the affirmative vote of those present and voting.

PRESIDENT GRAYBILL: Any discussion of Rule Seventy-Eight?

(No response)

PRESIDENT GRAYBILL: All right, it will be passed. Seventy-Nine. That's Eighty, remodeled to Seventy-Nine.

CLERK SMITH: (Reading) Rule Seventy-Nine: Convention Schedule. The Convention shall have a schedule, which shall be prepared by the President, with the advice of the Committees on Rules and Administration and submitted to the Convention for its approval. Said schedule shall be attached to these rules as an appendix.

PRESIDENT GRAYBILL: Is there any discussion of Rule Seventy-Nine?

(No response)

PRESIDENT GRAYBILL: Any discussion of Rule Seventy-Nine? If not, Rule Seventy-Nine will be passed.

Mr. Murray.

DELEGATE MURRAY: I move the adoption of Rules Sev-

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enty through Seventy-Nine as they have been respectively amended.

PRESIDENT GRAYBILL: All right, Rules Seventy through Seventy-Nine, Chapter whatever it is. All those in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and passed. You all understand that Mr. Toole and I are saving money if the debate goes on much longer. All right, Mr. Murray, may I inquire--is it the intention of the Rules Committee, then, to reassemble and print these rules in the morning and you'll have a resolution that we adopt the rules in toto tomorrow morning? Is this correct?

DELEGATE MURRAY: Well, I deem the rules already adopted by virtue of the action of this Convention today. We're in an order of business we can do so and I think--

PRESIDENT GRAYBILL: Well, then, why don't you make a motion that we adopt the rules as a whole.

DELEGATE MURRAY: I move we adopt Rules One through Seventy-Nine as today amended.

PRESIDENT GRAYBILL: Does anyone want a recorded vote? It's your last chance. All right, all those in favor of adopting Rules One through Seventy-Nine, as amended and

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debated today, signify by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and the rules are adopted. Now, I have a couple of announcements and we do want to adjourn but I'll hear what you want, Mr. Harper.

DELEGATE HARPER: Just to save you another half-minute's time, you and Mr. Toole, and to say what I'm sure the other Delegates would like to express, we took all day just going over the stuff that the committee and Mr. Murray in particular had to go over with a fine toothed comb. They evidently spent hours of work and a lot of real thinking on this and I know if we had left this unsaid, it still would have been an unspoken sentiment among us, that we deeply appreciate the thoughtful and considerate work and presentation Mr. Murray and his committee has given us.

(Applause)

PRESIDENT GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Are you going to have time for committee announcements?

PRESIDENT GRAYBILL: I'm going to announcements in one minute. Hearing no objections, the Chair will move to Order of Business Number M, Announcements of Committee Meetings. Now, that may not be M under the new rules but it's M

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under today's Mason's.

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, there will be a meeting of the Style and Drafting Committee tomorrow morning at eight o'clock. Our office has now been outfitted. We're in the right hand back end of the Supreme Court library. That office is not open but our--Mrs. Dowling has a key to it so if you're there five or ten minutes early, it might not yet be open.

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. President, there will be a meeting of the Administration Committee at one-thirty in the Senate chambers tomorrow afternoon. There will be a hearing on the Public Information Committee at three o'clock in the Senate chambers tomorrow afternoon.

PRESIDENT GRAYBILL: These are open to all the Delegates, right?

DELEGATE TOOLE: They are open to all Delegates and they are invited.

PRESIDENT GRAYBILL: To discuss the budget, the staff and the public information.

Mr. Champoux.

DELEGATE CHAMPOUX: There will be a meeting of the Education and Public Lands Committee, a very short one, at eight forty-five tomorrow morning in the committee room.

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PRESIDENT GRAYBILL: It certainly will be short.

Mr. Joyce.

DELEGATE JOYCE: I would like the members of the Executive Committee to meet with me here in the chamber immediately upon adjournment today.

PRESIDENT GRAYBILL: Immediately upon adjournment a meeting here of the Executive Committee. That can be a long one.

Mr. Holland.

DELEGATE HOLLAND: There will be a meeting of the Judicial Committee five minutes after adjournment.

PRESIDENT GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: Public Health, Welfare, Labor and Industry, eight-thirty tomorrow morning in the committee room.

PRESIDENT GRAYBILL: Eight-thirty in the morning.

Mr. Etchart.

DELEGATE ETCHART: There will be a meeting of General Government and Constitutional Amendment Committee ten minutes after recess tomorrow morning, Room 410.

PRESIDENT GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Meeting of the Legislative Committee ten minutes after adjournment tomorrow.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, no rest for the

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weary. Rules, eight o'clock in the morning.

PRESIDENT GRAYBILL: All right, the Chair has the following announcements. First of all, your daily schedule summary carries on Thursday an item called, Meeting with Representatives of News Media, at nine-fifteen. The Chair wants to announce that this has been cancelled. We are not ready to have this meeting and the news media don't want to have it yet and we'll try and arrange it later, but it's cancelled, so forget about that for Thursday morning. Secondly, the Chair has been asked to announce that there has been a request that Presbyterian Delegates, of which there are thirteen, meet at the front of Convention Hall here at noon tomorrow for a picture. And the Chair wishes to announce that we will make every effort to get to Jorgenson's by six-thirty for you. Are there any other announcements? If not, the Chair would recognize Mr. Eskildsen.

DELEGATE ESKILDSEN: I move that we stand adjourned until nine A.M., Wednesday, January nineteenth.

PRESIDENT GRAYBILL: All in favor of the motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: So moved.

(Adjournment at 5:40 P.M.)

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MONTANA CONSTITUTIONAL CONVENTION

SIXTH DAY

January 19, 1972 Convention Hall

9:05 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. Reverend Harbaugh, will you give the invocation?

DELEGATE HARBAUGH: I would like to read one verse of Scripture before we pray. And they came to Him and they said to Him, Teacher we know you are true and care for no man for You do not regard the position of men but truly teach the way of God. God, our Father, we thank you that in Jesus of Nazareth you have shown your faithfulness and truth and love to all mankind. Today, as we are caught up in the fervor of debate, grant us to so conduct ourselves in upholding love and truth, that even our enemies will not be able to complain against us.

PRESIDENT GRAYBILL: You may be seated. The Clerk will take the roll and I would like to announce that Robert Woodmansey is excused this morning. His father passed away and he is gone today, so he's excused on the roll today. Use your voting machines. Use the Ayes.

CLERK HANSON: Aasheim.

DELEGATE AASHEIM: Here.

CLERK HANSON: Bates, Robert Hanson--Rod Hanson, I

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guess. Bates. Will you please register--

PRESIDENT GRAYBILL: Vote Aye. Mrs. Bates, would you vote Aye? Did Mrs. Bates vote Aye? So, Hanson is absent at the moment. All right, if he comes in, tell him to announce his presence but for the moment, he's absent.

CLERK HANSON: Mr. President, ninety-eight Delegates voted present.

Aasheim	-	Present	Brown	-	Present
Anderson, J.	-	Present	Bugbee	-	Present
Anderson, O.	-	Present	Burkhardt	-	Present
Arbanas	-	Present	Cain	-	Present
Arness	-	Present	Campbell	-	Present
Aronow	-	Present	Cate	-	Present
Artz	-	Present	Champoux	-	Present
Ask	-	Present	Choate	-	Present
Babcock	-	Present	Conover	-	Present
Barnard	-	Present	Cross	-	Present
Bates	-	Present	Dahood	-	Present
Belcher	-	Present	Davis	-	Present
Berg	-	Present	Delaney	-	Present
Berthelson	-	Present	Driscoll	-	Present
Blaylock	-	Present	Drum	-	Present
Blend	-	Present	Eck	-	Present
Bowman	-	Present	Erdmann	-	Present
Brazier	-	Present	Eskildsen	-	Present

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Etchart	-	Present	Mahoney	-	Present
Felt	-	Present	Mansfield	-	Present
Foster	-	Present	Martin	-	Present
Furlong	-	Present	McCarvel	-	Present
Garlington	-	Present	McDonough	-	Present
Graybill	-	Present	McKeon	-	Present
Gysler	-	Present	McNeil	-	Present
Habedank	-	Present	Melvin	-	Present
Hanson, R. S.	-	Present	Monroe	-	Present
Hanson, R.	-	Absent	Murray	-	Present
Harbaugh	-	Present	Noble	-	Present
Harlow	-	Present	Nutting	-	Present
Harper	-	Present	Payne	-	Present
Harrington	-	Present	Pemberton	-	Present
Heliker	-	Present	Rebal	-	Present
Holland	-	Present	Reichert	-	Present
Jacobson	-	Present	Robinson	-	Present
James	-	Present	Roeder	-	Present
Johnson	-	Present	Rollins	-	Present
Joyce	-	Present	Romney	-	Present
Kamhoot	-	Present	Rygg	-	Present
Kelleher	-	Present	Scanlin	-	Present
Leuthold	-	Present	Schiltz	-	Present
Leondorf	-	Present	Siderius	-	Present
Lorello	-	Present	Simon	-	Present

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Skari	-	Present	Van Buskirk	-	Present
Sparks	-	Present	Vermillion	-	Present
Speer	-	Present	Wagner	-	Present
Studer	-	Present	Ward	-	Present
Sullivan	-	Present	Warden	-	Present
Swanberg	-	Present	Wilson	-	Present
Toole	-	Present	Woodmansey	-	Excused

PRESIDENT GRAYBILL: Very well, this morning we will follow the order of business in Rule Fifty-Four, starting at the top. Reports of Standing Committees.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Reports of Select Committees.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Communications.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Introduction and Reference of Delegate Proposals.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Let me stop on that a moment. Your Delegate Proposals will go to the clerk, who is the alter-ego of the secretary, and the clerk will number them and put them in my office. I will number them and they will come back and be read here by number and title only and referred, so you'll know when they're referred where they go. On the citizen suggestions, they are also being numbered in the clerk's

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office, given to me. They will be assigned to the committees and sent directly to the committees, and I would like to point out to the committee chairmen that when you get citizen suggestions, sometimes the press may not have gotten to see them in the Clerk's office and if they come and ask, please let them look at them, and then keep them. All right, Final Consideration of Proposals.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Six: Adoption of proposed Constitution and ballot.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Seven: Motions and Resolutions.

CLERK HANSON: (Reading) Mr. President, a Resolution of the Constitutional Convention of the State of Montana establishing its work week. Date introduced, January nineteenth, 1972. BE IT RESOLVED: That the work week of the Montana Constitutional Convention shall be Monday through Friday. Introduced by Rules Committee. Signed, Marshall Murray, Chairman.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: I move that Resolution Number One be passed.

PRESIDENT GRAYBILL: All right, the motion is on Mr. Murray's Resolution Number One which is this matter of the work week and the purpose of the resolution is to place the

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matter before you and the Rules Committee has consented to make up its mind one way or another, tentatively, so that you may debate it and they have tentatively set Monday through Friday and debate is now open on the proposition of what type of work week you want.

Mr. Davis.

DELEGATE DAVIS: Mr. Chairman, I rise to oppose the Rules Committee's rule of a work week on Monday through Friday. It has been the announced contention of this Convention and the Delegates throughout that we want the greatest amount of citizen involvement and to provide free access to their being here and participating in this Convention. A very large segment of our population works five days a week. We also have between thirty and thirty--between twenty-five and thirty thousand voting college students who are on a five day a week schedule. I would think that if we went on a Tuesday through Saturday week, many working people who wanted to come and share a day at the Convention with their families, or come by themselves, college students--we have some nine to ten thousand teachers who work on a five day week in our state. They would have an opportunity. They have devoted their lives to teaching social science, government, civics. It would give them an opportunity to come and attend the Convention. It would also, if we were off Sunday and Monday, and we're trying to catch up on our work, give us a day when the other public of-

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fices are open here, to get to the superintendent's office, the land office, the highway office--whatever office we wanted to get into instead of being off on a dead, non-productive weekend if we stay in Helena. If we are to return home to our communities, it would give us a day when the offices are open in our communities. We talk about we're going home and keep in touch. That's lip service. You go home on a weekend, you're going home to watch TV and go to bed, probably. Nothing much goes on on a weekend. If you want to get home and--when you can see the people and when they are working, Monday would be a good day for that. I am very concerned that the student population in our university system--they're the ones who are going to make this Constitution work--they and the generations that follow them, if we write a Constitution, and when all the Delegates here signed up for this job, we should have arranged our affairs so we can be here. I noticed one of the press releases said that some of the Delegates thought it would be handier for their business, and I think that's the last consideration we need, but as a practical matter, whether a Delegate be a lawyer or a farmer, rancher or businessman, if you are home on one work day when your banks are open, your court house, your other public businesses, they probably could attend to some of their business while they are home, but I think that should be the last consideration. I am very concerned about the argument that will be presented that, well, history

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will show they don't attend. I don't think that's material. I think the purpose of this is that we are open, available to the people to come. We are putting out a great amount of capital in this Convention for public information and for the six or seven Saturdays we're going to be meeting, I think we should be here and if any of the public, including the Capitol employees, want to attend, we should be open on a five-day week, Tuesday through Saturday and give them a chance to come. Whether they come or not, that would be their concern. At least we are available and willing to work on that sort of week and so I oppose the rule and would move to make a substitute resolution that this Convention adopt the work week of Tuesday through Saturday.

PRESIDENT GRAYBILL: Mr. Davis has made an amendment--proposed an amendment to the resolution that the sense of it would be changed from Tuesday through Saturday. We are open for debate on the amendment.

Mr. Toole.

DELEGATE TOOLE: Mr. President, Mr. Davis has stolen my entire thunder. All I can say is, in service to the people of Montana and from the standpoint of public education and public information, I think it is essential to have the Tuesday through Saturday week. I support Mr. Davis' substitute motion.

PRESIDENT GRAYBILL: Mr. Hanson. Mr. Hanson, do you want to be shown present?

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DELEGATE ROD HANSON: Mr. President, I rose primarily for that purpose.

PRESIDENT GRAYBILL: All right, you may now be shown as present.

DELEGATE ROD HANSON: May I also second the thoughts of Mr. Davis and Mr. Toole. I think everything they've said is so right, that we should definitely consider meeting Tuesday through Saturday.

PRESIDENT GRAYBILL: Mrs. Bugbee.

DELEGATE BUGBEE: Mr. President, thank you for the party last night. I hope I can be somewhat articulate but I would like to be a little bit specific about this. In Missoula what we had contemplated, if we had Mondays available to us--number one, we cannot get down to the TV stations. We have been doing this. We have been going down as a group. The TV station has opened up sort of a panel--facilitated a panel discussion where we each talk for about two and a half minutes. And we have been able to talk about the things that we have been looking forward to doing and what we contemplate doing. The TV stations are not open on Saturday or Sunday but they are open on Monday. Now, what we thought we could do is to go down there--and this is with the TV stations--go down there where all eight of us go on. We say what has been going on in our committee meetings. This will have more and more depth, could have more and more depth as the weeks go by. And--I'm

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sorry, I had another idea. But, as we have this organized with the TV people we cannot do it on Saturday. We can do it on Monday. We can also talk to luncheons on Monday. All this can be available to us before we come back here on Monday afternoon and another thing I'd like to mention is that we had a meeting in Missoula of about a hundred and fifty people. We asked them the question as to what they would like, how they would like it if we could set it up this way. About five people raised their hands that they would like a standard work week and I couldn't count the number of people who raised their hands that they would really appreciate it if we could have a Saturday through Tuesday--Tuesday through Saturday work week. Thank you.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I rise in opposition to Mr. Davis' motion and I'd like to throw in a few other comments if I may. First of all, other Constitutional Conventions, as Mr. Davis has mentioned, that did work on Saturday found that few people showed up. Shouldn't something be said about the employees of this Convention and the fact that they are being deprived of being with their children and their families on Saturdays. Most of us are used to the five-day work week. Would there be some question about the special pay for the employees on Saturdays. If we go home on Mondays, most people are going to be working. How are we going to see them? Are

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we going to walk around to where they work to talk to them? Most people don't want to be talked to on Sunday. They are involved with church and family. How many of us would really go home on Sunday and Monday, or any other time? And I don't mean to imply anything by that. Also, some people might be forced to come here on Saturday. I'm talking about people who work on a five-day work week--school administrators and so forth--that they might be forced to come here by the people supervising them, on Saturday. Thank you.

PRESIDENT GRAYBILL: Mr. Campbell.

DELEGATE CAMPBELL: I rise in support of Mr. Davis' motion. As Mrs. Bugbee said, we did have two meetings in Missoula and the overwhelming opinion of the people there was they wanted a Tuesday through Saturday work week; the overwhelming majority said they would not be able to come over probably if this was a Monday through Friday week. They either worked on Monday through Friday or they had school children that they would not be able to bring over. I feel definitely that a Tuesday through Saturday week would be much better for people to testify and to bring their families here. Also, we had a very good turnout at a town meeting we called, and I think that with a Tuesday through Saturday we could schedule, say, Sunday evening meetings in our communities to get people together. I don't think you can do this on a Friday night and I don't think you can do it on a Saturday night, but on a

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Sunday night you could regularly schedule every week or two weeks a meeting to get the ideas that people have as to how the Convention is coming along. Also, the service clubs have indicated they were interested in hearing what we have to say when we come home on the weekends and on Monday they would be meeting. Also, the radio stations wanted two Delegates on Mondays to discuss the progress of the Convention and have people call in. I think, without a doubt, we'd have more people here to watch the Convention and testify and that we'd be able to meet more people on our Sunday-Monday non-working days in our own communities. So, I fully support Mr. Davis' motion.

PRESIDENT GRAYBILL: Mr. Hanson, Robert.

DELEGATE ROBERT HANSON: I don't rise except to mention the fact that maybe our, some of our staff would have to be paid overtime. Has that been taken into consideration?

PRESIDENT GRAYBILL: I think the situation is that once we establish a five-day week that will be fine. If the--there won't be any problem on the staff. If the substitute motion here prevails then I suppose that someone would raise the issue of what to do about this Saturday because that would make a six-day week this week but I presume that could be handled, so we're still on the issue of whether--still debating, then, the amendment which is Tuesday-Saturday. Is there further discussion?

Mr. Mahoney.

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DELEGATE MAHONEY: Mr. President, the only thing that's bothering me about this, I think we can't be tied up so you couldn't recess the Convention this Saturday, regardless of what the rule is. Now, what's bothering me is, we get down here to that ninth week and all of a sudden we come to the time we have to adjourn. I'd hate to see it this tight that we shouldn't be allowed to let this Convention continue to operate if they want, like the legislature does at the end. These are the points that I'd like to have discussed in this matter.

PRESIDENT GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: Mr. President, I rise in support of the original recommendation of the Rules Committee. It seems to me that one of the things we've got to decide right now is whether or not the purpose of this Convention is to work on a document to accommodate the public. I know it's not a case of either-or, but how best to accomplish both the work of the Convention and the entertainment of our constituency.

PRESIDENT GRAYBILL: Mrs. Speer.

DELEGATE SPEER: (Inaudible. Speaker not on.)

PRESIDENT GRAYBILL: You've got to use that microphone.

DELEGATE SPEER: I think there are two sides to this question. I see the side that was presented in the motion. However, there are many, many of our constituents who are Mon-

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day to Friday workers, eight to five, and they have expressed the opinion that they would not be available to talk with us on that day. It is true that they would be able to come over here but if we are expected to talk to constituents on the weekends when we go home, they would not be available at that time.

PRESIDENT GRAYBILL: Is there other discussion?

Mrs. Reichert.

DELEGATE REICHERT: Mr. President, although I personally would find it most inconvenient to have Tuesday through Saturday work week because I have youngsters in school here Monday--I convinced them to come to Helena with me. Now perhaps I'll be going back to Great Falls and leaving them in school here Monday. However, I do feel, for the sake of the Constitution, it would be very helpful if we could have people from throughout the state visiting us on Saturday while we are in session, so I would subscribe to the Tuesday through Saturday work week.

PRESIDENT GRAYBILL: John Anderson.

DELEGATE JOHN ANDERSON: I rise in support of my collegue from District Twenty-One, Carl Davis' motion. Most of the inquiries I have had in regard to this matter is from our schools and I think that's one of the things we have to keep in mind that the school children or the young people that are growing up are the ones that are going to be mostly affect-

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ed by this Constitution. A great many of them have indicated a desire to attend the Convention and I'm sure that by having the work week Tuesday through Saturday that this will give the school children an excellent opportunity to attend our deliberations on Saturday, so I'd like to support Carl's motion.

PRESIDENT GRAYBILL: Mr. Barnard.

DELEGATE BARNARD: I don't rise in opposition to this motion or for it. I'd just like to point out that there are many Delegates here who are so far away from home that they can't get home over the weekend and this would, actually, in their communities accomplish no good whatever.

PRESIDENT GRAYBILL: Mr. Burkhardt.

DELEGATE BURKHARDT: Mr. President, I came with no particular feeling about either one of these weeks. I live here in town so I don't face some of these problems, but the point that was made earlier about the offices being accessible here for those who may be stuck in Helena without the ability to go home may be an important point. Those around me have been suggesting that whole families have been making plans to come together and it would be for them an advantage to have a Saturday session if the whole family were planning to come and make some kind of--take an interest in what's going on. Personally, my life is such that once in a while I like a few minutes of just aloneness, put on a pair of snowshoes, maybe, and go to the hills and even a couple of hours of that on Mon-

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day would be manageable for a preacher who has to work Sunday.

PRESIDENT GRAYBILL: You're not proposing a Wednesday -Monday work week? All right.

Mr. Johnson.

DELEGATE JOHNSON: Mr. President, I'm in opposition to the substitute motion. I'd like to make a substitute motion to the substitute motion.

PRESIDENT GRAYBILL: All right.

DELEGATE JOHNSON: I offer that I came up here to work. I think we have a tremendous amount of work to do. I would like to work six days a week. And we may run into--we have a short time, no matter how we look at it, nine weeks is a short time if we figure that's the deadline. It would probably hardships on various segments of the people here. I'm a long ways from home and I think that a third or fourth of them are a long way from home. I made more or less arrangements for things to carry on while I'm gone. I work seven days a week when I'm at home and I always have. Six days is not a hardship for me and I think we need this time and I think we should spend it on this most important job we have to do here for Montana.

PRESIDENT GRAYBILL: I take it you do want to make an amendment and it would be Monday through Saturday. Is that your choice? Mr. Burkhardt and I want to know what day you don't want to work. Monday-Saturday is the amendment of Mr.

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Johnson on which we are now debating. Monday-Saturday.

Mr. Kelleher.

DELEGATE KELLEHER: Mr. President, many of us are starting to work at eight, getting up at six. Probably all of us are out of the sack by six-thirty in the morning. We don't get out of here until nine or nine-thirty at night and one of my problems is that I don't have any time to study. I don't have any time for research. I don't have time, frankly, to talk to my fellow Delegates and to get their opinions. And I know for a fact that Mr.--the chairman of the Rules Committee was working all day Sunday without pay. In fact, I know the leadership was working the last month and, if the truth were known, six or seven days a week. I think Tuesdays through Saturdays to be attending committees and to be in Convention here is adequate and we really need those other two days for research and I'm for those days off on Sunday and Monday. They're not really days off at all, so I move that this last--I don't want to move, I just want to speak against this last motion and I'm in favor of Mr. Davis' motion.

PRESIDENT GRAYBILL: Mrs. Bates.

DELEGATE BATES: Mr. President, I don't want to speak for or against this motion. I did want to bring to your attention that there are ball games on Fridays and Saturdays and as far as the students coming, they usually come in a busload and early in the week. Many people come to Helena. They

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like to visit other government offices and Saturdays, if we were in session, this would be all that would probably be open. Other offices would be closed, and many families want to do something together and they may come to Helena on Saturdays--I wouldn't know--many go up the ski hill, and I just wanted to put in those comments. Thank you.

PRESIDENT GRAYBILL: Is there further discussion?

Mr. Studer.

DELEGATE STUDER: Sorry I was a little late on this but we must also think of the extra cost of a six-day week. We'll go to overtime, which we should think about a little bit.

PRESIDENT GRAYBILL: Any further discussion on the Monday-Saturday amendment?

(No response)

PRESIDENT GRAYBILL: All right, if not we'll vote by the Ayes and Nays on Mr. Johnson's amendment that we meet as a work week from Monday through Saturday, six-day work week. All those in favor of the amendment for a six day work week, Monday through Saturday, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and so ordered. Now we are back on Mr. Davis' substitute or first amendment of a Tuesday-Saturday work week, amending the Rules Com-

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mittee proposal of Monday-Friday. Further discussion?

Mr. James.

DELEGATE JAMES: I believe this has some advantage to people, this Tuesday-Saturday, people living in the Helena suburbs which is Billings, Butte and Great Falls, but I think with Mrs. Bates that we are not going to have many people here Saturday and I do feel that the Monday through Friday is going to be best for us. I know we can't get home anyway. We'd just get there in time to start back again and I think this is the case with many Delegates here.

PRESIDENT GRAYBILL: Further discussion? Mr. Drum, do you want to talk on that issue?

DELEGATE DRUM: I would rise to take issue with the previous speaker. I think the thing that will determine the number of students that visit here in Helena may be the availability of buses that they're now using for their classes during the week and if the buses are available on the weekend, and they are certainly going to be more available on the weekend, I think we may see an awful lot of students coming over. I think another point that hasn't been mentioned and I think someone should come to the defense of the many who are involved in the legal profession here. The lawyers would like to have a day to get a little something started during the week at home, it seems to me, and I think there are a few other folks, myself included, that would find it a real convenience

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to spend some time in our offices at home at the start of the week and then hide the rest of the week.

PRESIDENT GRAYBILL: Mr. Arness.

DELEGATE ARNESS: Mr. President, I think I should say that I'm one of the lawyers. Nobody has mentioned yet what we are talking about here is almost entirely a personal matter and I think that should be pointed out to the Convention. Whether we work Tuesday through Saturday or Monday through Friday depends almost entirely upon our personal situation. Besides being a lawyer I would also like to go skiing on Saturday with my son, so I actually favor the Monday through Friday program and my reasons are purely personal. I thought I should state them.

PRESIDENT GRAYBILL: Is there other discussion?

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, members, I am sure that during this Convention there will be a bus load of students coming from Malta, Montana, over to the Convention. If we meet on Saturday, I hardly think you'll get a student here if you gave them a choice of whether they went to watch the Malta high school team play basketball or whether they come here and watch us. I might mention that in the last three years we've lost one game and I might mention that those students could care less about a Constitutional Convention when Malta is playing basketball.

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PRESIDENT GRAYBILL: Mr. Davis.

DELEGATE DAVIS: May I close? I don't want to--I understand you have the privilege to close if everyone else has spoken to the question.

PRESIDENT GRAYBILL: Let's check. Does anyone else want to say anything? Mr. Studer. I'll come back to you, Mr. Davis.

DELEGATE STUDER: I want to clear up this deal on the overtime I spoke of. I'm talking only on the six-day week deal. There would be no change--I didn't have--want it misunderstood.

PRESIDENT GRAYBILL: O.K. Anyone else? All right, Mr. Wilson.

DELEGATE WILSON: Mr. President, I live so far from home that I don't intend to go back only on special occasions anyway so it's kind of irrelevant to me whether you work from Tuesday through Saturday or Monday through Friday. I would like to point out, however, that when you are speaking about having young people here from various schools, their teachers are paid Monday through Friday; they are not paid for Saturday or Sunday. The bus drivers are the same, and your different schools, colleges, if they're interested, which I'm sure they will be, they will provide time for the students to come to attend this Convention during the regular work week, which I think is fitting and proper. I just wanted to bring

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this to the Delegates' attention that these teachers and bus drivers are on a regular work week. I don't think that changing from Tuesday to Saturday would make any difference on the attendance of the young people.

PRESIDENT GRAYBILL: Mr. Harper.

DELEGATE HARPER: Yes. Just one comment on the school thing. The kids go to school on Tuesday, Wednesday, Thursday and Friday, also, and so those that didn't want to come on Saturday wouldn't have to come on Monday. They could come those other days and then the Saturday option would give them an option of the weekend or the school days.

PRESIDENT GRAYBILL: Further discussion?

(No response)

PRESIDENT GRAYBILL: All right, Mr. Davis, we are ready for you to summarize.

DELEGATE DAVIS: Thank you, Mr. President, and thank you, fellow Delegates. I appreciate this resolution poses some problems, personal problems, particularly to those who are fortunate enough to have outstanding athletic teams in their areas, as well as others. We don't enjoy that at the moment in Beaverhead County. Maybe John Anderson's area has a good team. I would--in this resolution it would be my thought that it would not be applicable to this Saturday because it seems to me that we cannot be organized well enough to make full use of our time this week. I would like it to

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start next week if it should pass. Another point that seems to be not exactly clear--I'm speaking in regard to students in the twenty-five to thirty thousand college students in our state, not those that are going to be coming on buses--those who are studying government, those who are going to be out in our communities here in a few days or few years, and they're all voters. Those are the people who are going to be voting this fall. Now, whether they attend the Convention or not, it seems to me a letter from our Convention President saying to each one of the student body presidents and student education associations and the various student government clubs that they have at the universities and colleges, to the effect that we are staying open to make ourselves accessible to hear their opinions and where they can watch and study these. Also, the faculty members--some nine thousand of our teachers in this state, are probably the most interested people in government. And those people would like to come. Some of them, I'm sure they would come. They've followed constitutions. They've taught constitutions, and probably know more about it than many of us--I'm sure than I do. So, I'm thinking of the benefits that might come from making ourselves accessible to these people as well as the other working people. I'm sure that all of us are going to be working a seven day week regardless of how it's scheduled, whether it's here or getting ready to be here, and so forth. So, with that, it

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seems to me that the reasons are really quite compelling, if we lay aside our own personal problems and consider the amount of public information and so forth that we are budgeting--you can get all this for nothing with just about ten dollars --well, as a matter of fact, I'll give in the twenty dollars worth of postage stamps that is apparently allocated to my share of public relations to mail them to all the students and I'm sure that's the only expense you'd have and you'd get a great deal of benefit for this Convention. Thank you.

PRESIDENT GRAYBILL: All right, the issue, then is on the substitute resolution which would read: Be it Resolved: That the work week of the Montana Constitutional Convention shall be Tuesday through Saturday. That's Mr. Davis' substitute resolution. The vote will be by Ayes and Nays because the rules so state. No recorded roll call vote will be taken under consideration of resolutions. Therefore, all those in favor of the resolution for a Tuesday through Saturday work week, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Those in favor of a Monday through Friday work week, please say No.

DELEGATES: No.

(Various calls for Division.)

PRESIDENT GRAYBILL: All right, we will use the voting machine but we won't record it. So, I'll open the

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ballot and those in favor vote Aye and those opposed vote No. Has every Delegate voted.

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: All right, we'll close the ballot. The Clerk will announce the tally and show it if you want to.

CLERK HANSON: Sixty-one Delegates voting Aye; thirty-seven Delegates voting No.

PRESIDENT GRAYBILL: By your vote of sixty-one Ayes and thirty-seven Noes, you have passed the substitute resolution and the work week of the Convention is now Tuesday through Saturday. Now, the Chair would entertain a motion just to keep the record straight from either Mr. Davis or the Rules Committee chairman that we either do or don't work this Saturday so that we can straighten out this work week.

Mr. Johnson.

DELEGATE JOHNSON: I move that we do work this Saturday. If we don't, we won't be working until next Tuesday and we'll have a three-day vacation here. I don't know what would happen in those three days.

PRESIDENT GRAYBILL: All right, Mr. Johnson has made a motion that we work Saturday.

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DELEGATE BATES: Mr. President.

PRESIDENT GRAYBILL: Mrs. Bates.

DELEGATE BATES: I would like to amend this resolution, that we don't work Saturday and that we have a three-day weekend, and I so move.

PRESIDENT GRAYBILL: All right, we are on Mrs. Bates' amendment to Mr. Johnson's motion, and her amendment is that we do not work this Saturday.

Mr. Toole.

DELEGATE TOOLE: Mr. President, of course we will be in overtime this Saturday. Now, I don't know how significant this is right off-hand but as far as our staff is concerned, that will be overtime. I think I'm correct on that, am I not?

PRESIDENT GRAYBILL: I think you're correct because we did work Monday.

Mr. Aasheim.

DELEGATE AASHEIM: Mr. President, members of the Convention, we have--the legislative committee has called a public hearing for Monday at ten and we talked about this contingency and if we are in recess Monday, we are going ahead with the hearing, so that doesn't matter as far as your voting is concerned. We're going ahead with it.

PRESIDENT GRAYBILL: As far as I know there is no reason you can't work when it's not the work week. So, we're glad to hear that, Mr. Aasheim. Is there other discussion of

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the amendment that we do not work this Saturday?

Mr. Davis.

DELEGATE DAVIS: Mr. President, I am very willing to work Saturday and Sunday both if that's the will of the Convention and with or without pay, but can we really get anything done this Saturday? Are we well enough organized? Have we got our committees going where we can start getting something constructive done. I think that's the big question. Can we accomplish anything or do we need to get a little better organized and then hit it?

PRESIDENT GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: Mr. President, I--pardon me.

PRESIDENT GRAYBILL: You're on.

DELEGATE HABEDANK: I favor--

PRESIDENT GRAYBILL: Let me stop you a moment. When I do this, it means that I see the next one and I'll come to Mrs. Babcock next. I'm just signaling her, so go ahead.

DELEGATE HABEDANK: I think there would be considerable merit to getting this thing adjusted by taking a recess from Saturday until Tuesday. This will allow all of us to work without pay on Monday. It will save a great deal of money for the State of Montana and the help will get straightened out and I think that all the people who are here, living in Helena, will spend just as much time working whether we're

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in session or not and the State of Montana will save that much money so we can use it later on

PRESIDENT GRAYBILL: Mrs. Babcock.

DELEGATE BABCOCK: Mr. President, if committees are scheduled during those times, will the secretaries be available even though we weren't having our work week?

PRESIDENT GRAYBILL: If Mr. Aasheim wants his secretary, I suppose we'd pay one secretary time and a half on Monday. So, yes, in other words, I'm sure that schedule could be worked out on a single basis if that's all right.

DELEGATE BABCOCK: (Inaudible. Speaker not turned on.)

PRESIDENT GRAYBILL: Pardon?

DELEGATE BABCOCK: Committees could still be scheduled then?

PRESIDENT GRAYBILL: Surely. I think anybody who has a good excuse can certainly schedule something. We'll certainly try to work with that situation.

Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman--or President, we have given our secretary a half day's vacation yesterday so she owes us a half a day for Monday.

PRESIDENT GRAYBILL: Now there's a forehanded committee

Mr. Rygg.

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DELEGATE RYGG: We are pretty much in the--

PRESIDENT GRAYBILL: A little closer.

DELEGATE RYGG: We have called a hearing for Monday at ten and we'll still have it even if the Convention doesn't work. Our secretary, too, didn't work yesterday so that will be taken care of.

PRESIDENT GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. President, fellow members, I would like somebody to check into the overtime law that was passed by the State of Montana last year because any work week, if it goes by the week, any work week is seven consecutive days and you cannot carry them over, or you cannot under the federal law anyway, and somebody might be knocking on you.

PRESIDENT GRAYBILL: Very well.

Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, I have scheduled a hearing--or a meeting for Monday, also, for the General Government Committee so this would raise--personally, I have no objection but the other members of the committee might have made some plans. Otherwise--

PRESIDENT GRAYBILL: You might think about giving that girl a half day off, Mr. Etchart.

Mr. Eskildsen.

DELEGATE ESKILDSEN: I'd just like to ask a question. Suppose, now, on Monday I want to come here and go to work,

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will there be at least one or two girls in the pool so I might be able to do a little correspondence. They'll probably get overtime but there's no sense of me coming here if I can't read or write, so it's quite important that a secretary's around.

PRESIDENT GRAYBILL: I'm not going to comment on that last sentence but I will ask Dale Harris if--we'll try to make some arrangements so we won't be completely shut down this one Monday because of this eventuality.

Mr. Drum.

DELEGATE DRUM: Mr. President, I would suggest that if Delegate Eskildsen is in that bad a shape that we issue a personal invitation to the Malta school system, inviting teachers over to help him with his problem.

PRESIDENT GRAYBILL: I think they'd have to wait until the basketball season is over.

Mr. Mahoney.

DELEGATE MAHONEY: I'm in hopes, Mr. President, that these committees will not be so duty-bound by the five day week, and knowing the amount of hearings that we are going to have to have and to try and get the hearings spaced out so some of the others can hear some of the hearings, I think we are going to very vitally need the sixth day in the week as far as hearings are concerned with these committees, and if the Convention can't pay the time and a half, then we'd better

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close the Convention for that time because the hearings is the vital thing of this Convention and as far as I'm concerned, for the first thirty days.

PRESIDENT GRAYBILL: Is there further discussion?

(No response)

PRESIDENT GRAYBILL: All right, the question is going to be on Mrs. Bates' substitute motion that this Saturday not be a work day. All those in favor of not working this Saturday--in other words, not calling it part of the work week of the Convention, please indicate by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: All those opposed say No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it and so ordered. So this Saturday will not be a work day and the work week next week will start Tuesday through Saturday. Are there any other matters under Number Seven, Motions and Resolutions?

(No response)

PRESIDENT GRAYBILL: Order of Business Number Eight, Unfinished Business.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Nine, Special Orders of the Day.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Ten,

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General Orders of the Day.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Eleven, Committee Announcements and Notices.

Mr. Rygg.

DELEGATE RYGG: I would like to call a meeting of Revenue and Finance in about twenty minutes--at ten-twenty.

PRESIDENT GRAYBILL: Before you chairmen make these announcements, maybe I should announce that the Executive Committee is having a hearing at ten-thirty in the Governor's conference room, Governor's reception room, at which Governor Anderson is going to meet with the committee and it will have media coverage, and of course the Executive Committee invites any of you who are interested to come. Now, with that hearing in mind, you certainly may go ahead and schedule whatever other meetings you want to.

Mr. Anderson.

DELEGATE ANDERSON (OSCAR): The Local Government Committee will meet for all members who do not attend the Executive Committee hearing, at ten-thirty, Room 437.

PRESIDENT GRAYBILL: Local Government at ten-thirty.

Mr. Aasheim.

DELEGATE AASHEIM: Legislative Committee will meet ten minutes after adjournment.

PRESIDENT GRAYBILL: Ten minutes after adjournment

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for Legislative.

Mr. Toole.

DELEGATE TOOLE: Mr. President, Committee on Administration will have a public hearing, Senate chambers, one-thirty to discuss staff and budget. Public Information Committee will have a public hearing in the Senate chambers at three o'clock.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Mr. President, I would like to announce that I would like members of the Executive Committee to meet immediately upon adjournment in the Governor's reception room, rather than in the committee room, as I previously told them.

PRESIDENT GRAYBILL: Mrs. Pemberton.

DELEGATE PEMBERTON: I'd like to remind the members of the Judicial Committee that we have a meeting ten minutes after adjournment.

PRESIDENT GRAYBILL: All right. Other committee announcements?

Mr. Etchart.

DELEGATE ETCHART: Mr. President, General Government will meet ten minutes after adjournment.

PRESIDENT GRAYBILL: All right. Any other committee announcements?

(No response)

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PRESIDENT GRAYBILL: If not, I would ask leave of the Convention to go back to Order of Business Number Eight, Unfinished Business. Hearing no objection, we'll go back to unfinished business. Now, I overlooked that today is the day I should ask, are there any Delegates who object to their committee assignments? Today, on adjournment, is when you're supposed to have objected to your committee assignments. Now, I know of none. Mr. Toole, of course, I changed. If anyone wants to object to their committee assignments, speak up.

Mr. Martin.

DELEGATE MARTIN: Mr. President, I have no objection to my committee assignment but I'd suggest that we create an honorary title of critic to the Rules Committee and make Charlie Mahoney a member.

PRESIDENT GRAYBILL: Well, I think we can bestow that by our acclamation, Charlie. All right, Mr. Monroe.

DELEGATE MONROE: Mr. President, in our Constitutional Convention directory, are all committee assignments correct as they are placed in this directory? Were there any changes made?

PRESIDENT GRAYBILL: Well, I don't know of any errors. Does anybody know of any errors in the committee directory. To my knowledge, they're all the same--the committee assignments are the same as they were originally, except Mr. Toole's. If anybody is in doubt about his committee assign-

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ment, here's a good chance to find out.

DELEGATE ARONOW: We didn't get a committee directory.

PRESIDENT GRAYBILL: You mean you don't have a committee directory on your desk? Well, what's that thing in your hand? That's what we're talking about. Well, the fact that you didn't get one doesn't mean that it isn't all right, Mr. Aronow. You're probably still on the right committee. All right, I see nobody rising to object to their committee assignments so we will presume that the committee assignments are set and no one can object after this if they--now, if you want to object after this, see me and we might make it a special order of business, but in any event the committee assignments are now set. All right, we'll be back on Order of Business Number Eleven. Are there any more announcements? If there are no more announcements--

Mr. Dahood.

DELEGATE DAHOOD: There have been some inquiries regarding the Bill of Rights Committee. Our research analyst is attending a meeting out of our immediate area for the purpose of serving the committee better so our committee meeting will be tomorrow at two o'clock in the afternoon.

PRESIDENT GRAYBILL: Very well.

Mr. Champoux.

DELEGATE CHAMPOUX: Could we have an Education Com-

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mittee meeting right after adjournment, please?

PRESIDENT GRAYBILL: How about ten minutes after adjournment?

DELEGATE CHAMPOUX: Ten minutes after.

PRESIDENT GRAYBILL: O.K. Education ten minutes after adjournment.

Mr. Harbaugh.

DELEGATE HARBAUGH: We made arrangements for a photographer at twelve o'clock for the Prestbyterian Delegates--

PRESIDENT GRAYBILL: Prestbyterians at twelve o'clock, right up here in front. Any other announcements?

Mr. Toole.

DELEGATE TOOLE: Mr. President, I have just been talking to Mrs. Bugbee and we have some suggestions as to what you might be doing when you go--if you go home on Monday. You can make arrangements with your radio stations to make tapes. You can get video tape at your TV stations. You can actually call a hearing if necessary. I would give consideration between now and Monday as to what you're going to do if you're going home Monday. And in the future, the Committee will recommend to you the things you can be doing if you go home on Sunday and Monday. Thank you, Mr. President.

PRESIDENT GRAYBILL: Very well.

Mrs. Cross.

DELEGATE CROSS: Mr. President, some of our commit-

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tee members feel we should meet about five minutes after adjournment just to assess where we are, so we'll--

PRESIDENT GRAYBILL: All right, that's Natural Resources five minutes after adjournment. O.K.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move that the Convention stand adjourned until nine A.M., Thursday, January twentieth.

PRESIDENT GRAYBILL: A motion has been made that we stand adjourned until nine A.M., Thursday. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: So ordered.

(Convention adjourned at 10:00 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

SEVENTH DAY

January 20, 1972 Convention Hall

9:20 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. I call upon Reverend Harper for the Invocation.

REVEREND HARPER: Let us pray. Our Heavenly Father, we thank you for this deepening of fellowship that is occurring among us as we give ourselves to this common cause to which you have called us through your people. Our prayer this morning is simple. Guide our thinking and our feeling today toward the purposes you would have us achieve, and help us to be the men and women you need for this hour. Amen.

PRESIDENT GRAYBILL: The Clerk will take the roll with Aye votes on the machine.

CLERK HANSON: Habedank, Hanson, Robert S., Etchart, Erdmann, Wilson, Woodmansey, Mansfield--

PRESIDENT GRAYBILL: Will the Clerk please show Mr. Woodmansey excused?

CLERK HANSON: Mr. Woodmansey excused. James, Johnson, Kamhoot, Reichert, Ward, Wilson. James, Johnson, Kamhoot, Reichert, Wilson.

PRESIDENT GRAYBILL: All right. Let's close the ballot and they'll have to get special permission if they're here; otherwise, they're absent.

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1	Aasheim	- Present		Choate	- Present
2	Anderson, J.	- Present		Conover	- Present
3	Anderson, O.	- Present		Cross	- Present
4	Arbanas	- Present		Dahood	- Present
5	Arness	- Present		Davis	- Present
6	Aronow	- Present		Delaney	- Present
7	Artz	- Present		Driscoll	- Present
8	Ask	- Present		Drum	- Present
9	Babcock	- Present		Eck	- Present
10	Barnard	- Present		Erdmann	- Present
11	Bates	- Present		Eskildsen	- Present
12	Belcher	- Present		Etchart	- Present
13	Berg	- Present		Felt	- Present
14	Berthelson	- Present		Foster	- Present
15	Blaylock	- Present		Furlong	- Present
16	Blend	- Present		Garlington	- Present
17	Bowman	- Present		Graybill	- Present
18	Brazier	- Present		Gysler	- Present
19	Brown	- Present		Habedank	- Present
20	Bugbee	- Present		Hanson, R. S.	- Present
21	Burkhardt	- Present		Hanson, R.	- Present
22	Cain	- Present		Harbaugh	- Present
23	Campbell	- Present		Harlow	- Present
24	Cate	- Present		Harper	- Present
25	Champoux	- Present		Harrington	- Present

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1	Heliker	-	Present	Rebal	-	Present
2	Holland	-	Present	Reichert	-	Absent
3	Jacobson	-	Present	Robinson	-	Present
4	James	-	Absent	Roeder	-	Present
5	Johnson	-	Absent	Rollins	-	Present
6	Joyce	-	Present	Romney	-	Present
7	Kamboot	-	Absent	Rygg	-	Present
8	Kelleher	-	Present	Scanlin	-	Present
9	Leuthold	-	Present	Schiltz	-	Present
10	Leondorf	-	Present	Siderius	-	Present
11	Lorello	-	Present	Simon	-	Present
12	Mahoney	-	Present	Skari	-	Present
13	Mansfield	-	Present	Sparks	-	Present
14	Martin	-	Present	Speer	-	Present
15	McCarvel	-	Present	Studer	-	Present
16	McDonough	-	Present	Sullivan	-	Present
17	McKeon	-	Present	Swanberg	-	Present
18	McNeil	-	Present	Toole	-	Present
19	Melvin	-	Present	Van Buskirk	-	Present
20	Monroe	-	Present	Vermillion	-	Present
21	Murray	-	Present	Wagner	-	Present
22	Noble	-	Present	Ward	-	Present
23	Nutting	-	Present	Warden	-	Present
24	Payne	-	Present	Wilson	-	Absent
25	Pemperton	-	Present	Woodmansey	-	Excused

CHIEF CLERK HANSON: Mr. President, ninety-three voting Aye; one excused.

PRESIDENT GRAYBILL: Very well, let the journal so show. I would like to mention to the Delegates that there may be television cameras or radio people around today. Please don't be disturbed. That's going to happen many times from now on, but I want you to be aware so that if you want to know about it you now have been duly warned. All right, let's go down the order of business.

Mrs. Reichert.

DELEGATE REICHERT: Mr. President, I apologize. I am now present.

PRESIDENT GRAYBILL: Very well. The journal can show Mrs. Reichert present. Mr. Johnson, would you like the journal to show you present?

DELEGATE JOHNSON: Yes. Present.

PRESIDENT GRAYBILL: Mr. Kamhoot, shall the journal show you present?

DELEGATE KAMHOOT: Present.

PRESIDENT GRAYBILL: Very well. Mr. James?

DELEGATE JAMES: Present.

PRESIDENT GRAYBILL: Very well. Mr. Wilson?

DELEGATE WILSON: Present.

PRESIDENT GRAYBILL: Very well. All right, let's proceed with the order of business--Report of Standing Com-

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[illegible]

Mr. Murray.

[illegible] for the information of the [illegible] under the daily schedule for [illegible] the [illegible] will note that there is a call for reports of standing committees--the report of the [illegible] committee. This report will be given to-[illegible] rather than [illegible]. Also, they will note that there is a report due from the Rules Committee relative to the date of [illegible] the Constitution to the voters. This matter has been delayed. I think explain that the President met with the [illegible] last night and this matter was discussed, as well as the schedule as provided under Rule 19, and the [illegible] of the [illegible], will be coming to the floor tomorrow. It will be considered by the Public [illegible] Committee today and the Rules Committee at [illegible] because the rule provides that the [illegible] shall [illegible] calendar or schedule with the [illegible] of those two committees and it will be on the floor tomorrow. The [illegible] of the schedule was of such importance that the [illegible] of the Constitution to the voters [illegible] under the schedule, as proposed, we can [illegible] will be made before this matter is to be [illegible] [illegible] committee [illegible] [illegible] with each of you briefly

so that you will be aware of some of the problems because a report as to some of those problems has been made to the chairmen and they have some information relative to that matter. Likewise, with respect to the calendar for Friday, January 21, the Rules Committee was to report on the time for the Convention recess. This matter, likewise, has been delayed because of the scheduling. We will take the schedule up tomorrow, make progress under that schedule, we hope, and then we will consider the matter of recess at some later date. Thank you.

PRESIDENT GRAYBILL: Very well, in brief summary because this may come as a surprise to some of you, the report of the standing committee on public information is going to be given tomorrow morning, along with the committee--the Administration Committee. Secondly, we are not going to discuss this morning on a recommendation from the Rules Committee the date of submission, nor are we going to discuss the recess tomorrow morning. The reason for that is, is that at the meeting of all of the committee chairmen last night we thrashed these things over and determined that we were probably premature in discussing these matters now and that we would come out with a calendar, which is due out tomorrow, and we will all have a chance to look over the calendar and you'll see what the committee chairmen and the President propose as the way--as the calendar, and then after that, at

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posal Number One. Date introduced - January 20, 1972: Proposal for a new Constitutional section establishing public policy on environmental quality.

PRESIDENT GRAYBILL: Are you going to give the sponsor? I think it would help to give the sponsor and then they will know--

CHIEF CLERK HANSON: Introduced by Berthelson.

PRESIDENT GRAYBILL: That's to the Natural Resources Committee.

CHIEF CLERK HANSON: Delegate Proposal Number Two, introduced January 20, 1972: A proposal for a new Constitutional section providing for water rights. Be it proposed by the Constitutional Convention, State of Montana. Introduced by Berthelson.

PRESIDENT GRAYBILL: That's to the Natural Resources Committee.

CHIEF CLERK HANSON: Delegate Proposal Number Three. Date introduced - January 20, 1972. A proposal for a new Constitutional section to prohibit the penalty of death for any crime. Be it proposed by the Constitutional Convention, State of Montana. Introduced by Cate.

PRESIDENT GRAYBILL: That, Number Three, to the Bill of Rights Committee.

CHIEF CLERK HANSON: Delegate Proposal Number Four, introduced January 20, 1972. A proposal amending Article

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of Montana. Be it proposed by the Constitutional Convention, State of Montana. Introduced by Berthelson.

PRESIDENT GRAYBILL: Number Seven to the Judiciary Committee.

MR. HANSON: That's all, Mr. President.

PRESIDENT GRAYBILL: Very well. Final Consideration.

MR. HANSON: None.

PRESIDENT GRAYBILL: Adoption.

MR. HANSON: None.

PRESIDENT GRAYBILL: Motions and Resolutions.

Mr. Murray.

DELEGATE MURRAY: Mr. President, I move that we suspend Rule Seventy-Four. The reason for this motion is that, at the request of many of the Delegates from the floor during consideration of the seventy-nine rules which we have now adopted, it appeared that we would be best to consider a rule on pairing. That rule has been prepared. It has not been distributed because the committee considered it just briefly this morning and voted that it do pass, and therefore, I would like to ask suspension of Rule Seventy-Four so that we may consider the adoption of this rule at this time without waiting the necessary two days and without having the rule duplicated and spread upon the desks. And I ask that the vote --that I have support for that vote--it would be required by two-thirds of the Delegates present and voting, or a majority

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of all Delegates, whichever constitutes the lesser number, and the way I read that is fifty-one votes.

PRESIDENT GRAYBILL: Very well. I presume--I understand, then, that the Rules Committee is asking us to suspend Rule Seventy-Four for the purpose of introducing an additional rule. Now, Rule Seventy-Four says, since these aren't all in everyone's hands yet: (reading) "These rules may be amended by the affirmative vote of a majority of delegates after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules. . .", both of those have been done, (continuing reading) "and has been in the possession of the delegates not less than two session days prior to its consideration. The Committee on Rules may be discharged from further consideration of any proposed amendment upon the same notice and by the same vote as is provided in Rule Forty-Three for proposals. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds of the delegates present or a majority of all delegates of the Convention, whichever constitutes the lesser number." And, to avoid having this matter on your desk for two days, we need to suspend this rule and we need to avoid that so it can be printed with the rest of them and we won't have to have a supplement yet. All right, is there discussion on the motion to suspend the rules? That's debatable, I presume.

(No response)

PRESIDENT GRAYBILL: All right, hearing none, the motion, then, of the chairman of the Rules Committee to suspend Rule Seventy-Four so that we can consider a special additional rule this morning . . . as many as are in favor of suspending the rules--well, we have to come out by two-thirds so we'll vote on the voting machine and an unrecorded vote. I'll open the ballot. So many as are in favor vote Aye, opposed No. Does any delegate wish to change his vote? Have all the delegates voted? We will close the ballot. By your--well, please announce the vote.

MR. HANSON: Mr. President, ninety-seven Delegates voting Aye; no Delegates voting Nay.

PRESIDENT GRAYBILL: All right, ninety-seven to zero, we have suspended Rule Seventy-Four.

Mr. Murray.

DELEGATE MURRAY: Rule Eighty - Pairing. This is as the Committee proposes it: Two Delegates may pair on a proposal before the Convention under Orders of Business Five and Six. Now, Five and Six as you know are the final consideration adoption stages. Pairing is permitted only when one of the paired Delegates is absent when the vote is taken. An agreement to pair must be in writing and dated and signed by the Delegates agreeing to be bound, must specify the duration of the pair, and must be filed with the Secretary. The pair

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shall bind the Delegates, signing until the expiration of the time for which it was signed unless the paired Delegates sooner appear and ask that the agreement be cancelled. By way of explanation, let me say that we researched the matter of pairing before all of the constitutional conventions for which we have rules. We found that there was in none of those sets of rules any rule as to pairing. However, because of the nature of this particular convention and the significance of the business and the request of the Delegates here, I did, with the sanction of the Committee, remodel the proposed rule from the existing rule of pairing under the Joint House and Senate Rules of the Legislature of the State of Montana. Frankly, neither I nor the Committee see any harm in this rule and we think it will prevent--or attempt to help us in any way from having any problem of absentees and not having the majority of elected Delegates' votes required, and the recorded roll call votes under Orders of Business Five and Six.

PRESIDENT GRAYBILL: Very well, then, the Rules Committee has moved that Rule Eighty on pairing be adopted. Is there discussion?

Mr. Mahoney.

DELEGATE MAHONEY: I might ask the Chairman a question. Marshall, are--is there going to be--how do they finish a pair? Are they going to be--now, in the old rules years ago they could vote the pair and cancel the pair. Now, another

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thing that worries me just a little--I think you should be definitive. Now, maybe this is only going to be on a certain article or something and we might get before this one person gets back onto something else, and I think that we should determine--is he pairing on the whole Constitutional Convention or is it certain articles or--you're trying to make a little protection. I agree with the idea.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: I considered the possibility of pairing specifically but determined that the rule should be general and the forms should be printed to conform to the rules so the pairing can be done in the specific fashion that the Delegates pairing would agree to pair on. And with respect to the second matter, Charley, the last part of the rule says, "unless the paired Delegates sooner appear." So, if the pair is for three days, for instance, and the absent Delegate sooner appears, then the two Delegates can go and request that the pair be ended and it will be so ended.

DELEGATE MAHONEY: The only other question I would have of the gentleman is, in case this person didn't get back or something and you got into other orders of business and things--or other things--and he doesn't come, and ordinarily we have always had both had to agree to the termination of a pair, and the other one isn't here, and I--this is the only thing, a person hates to be bound for too long and I realize

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the three days, but something might happen. He might not get back, and this is what's bothering me.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I can appreciate that it would bother you, Charley, but I don't know how to solve the problem without complicating the general rule, such as I propose.

PRESIDENT GRAYBILL: Is there other discussion?

Mr. Heliker.

DELEGATE HELIKER: Mr. President, I rise in support of the Rules Committee's proposal, which I believe will substantially remove the objection which I made to Rule Number One.

PRESIDENT GRAYBILL: Other discussion?

(No response)

PRESIDENT GRAYBILL: Very well, the motion is to adopt Rule Eighty on pairing. This only applies to Orders of Business Five and Six--that is, final consideration of proposals and adoption of the Constitution. But for those two items it would be possible to pair, one of the purposes being to be sure we could get a majority of the total delegation--total Delegates. So many as are in favor of the motion to adopt Rule Eighty, please signify by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: Nay.

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. So Rule Eighty will be added to the rules when they are printed. Any other motions or resolutions?

(No response)

PRESIDENT GRAYBILL: Unfinished business.

MR. HANSON: None.

PRESIDENT GRAYBILL: Special Orders.

MR. HANSON: None.

PRESIDENT GRAYBILL: General Orders of the Day.

MR. HANSON: None.

PRESIDENT GRAYBILL: All right. Committee Announcements and announcements. First of all, I would like to make a couple of general announcements, or announcements of general interest. The state auditor has informed us that travel vouchers and expense vouchers are available. Your pay vouchers are not yet available but your travel and expense vouchers for this period are available and you need to go to the auditor's office and sign for them to pick them up. So that's the way the pay will be for the time being.

Mr. Schiltz.

DELEGATE SCHILTZ: Style and Drafting tomorrow morning, Friday morning, at eight A.M.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Rules, eight o'clock in the morning.

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PRESIDENT GRAYBILL: Rules, eight, tomorrow.

Mr. Toole.

DELEGATE TOOLE: Administration at twelve o'clock today, Room 434.

PRESIDENT GRAYBILL: Administration at twelve o'clock today in Room 434?

DELEGATE TOOLE: Four-thirty-four.

PRESIDENT GRAYBILL: All right.

DELEGATE TOOLE: Committee on Public Information, tonight a dinner meeting at the Holiday, six o'clock, followed by a meeting in the Senate Chambers, at which Dr. Rader will make a talk on the Citizens Corps this evening.

PRESIDENT GRAYBILL: What time?

DELEGATE TOOLE: I don't mean the Holiday, I mean the Colonial, I beg your pardon.

PRESIDENT GRAYBILL: All right.

DELEGATE TOOLE: At six o'clock--

PRESIDENT GRAYBILL: Dinner at six o'clock at the Colonial for the Public Information Committee, is that right?

DELEGATE TOOLE: Correct, followed by a meeting here at seven o'clock.

PRESIDENT GRAYBILL: And the meeting at seven is in the Senate Chambers and, of course, anybody is invited, is that right?

DELEGATE TOOLE: That's correct.

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PRESIDENT GRAYBILL: Is that on the Citizens Corps?

DELEGATE TOOLE: That's on the Citizens Corps.

PRESIDENT GRAYBILL: Very well.

Mr. Joyce.

DELEGATE JOYCE: I don't think Dr. Rader is going to talk on the Citizens Corps. There is a misunderstanding. Dr. Rader is going to speak on the executive article generally at eight o'clock.

PRESIDENT GRAYBILL: He is going to speak at eight o'clock tonight?

DELEGATE JOYCE: In the Senate Chambers. And while I am on my feet, the Executive Committee will meet immediately following adjournment this morning in the Executive room.

PRESIDENT GRAYBILL: Executive on adjournment and Mr. Rader's talk is on the executive branch at eight o'clock tonight in the Senate.

Mr. Toole.

DELEGATE TOOLE: I was so informed, Mr. President. I am sorry.

PRESIDENT GRAYBILL: All right. Mr. Anderson.

DELEGATE ANDERSON: Local Government on adjournment. Informal meeting. The executive board of the county commissioners association is meeting with us at ten-thirty.

PRESIDENT GRAYBILL: Local Government on adjournment.

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Mrs. Cross.

DELEGATE CROSS: Natural Resources will meet ten minutes after adjournment this morning and also at one-thirty this afternoon for an informational meeting in Room 402.

PRESIDENT GRAYBILL: All right, that's Natural Resources on adjournment and at one-thirty.

Mr. Rygg.

DELEGATE RYGG: Revenue and Finance at ten-fifteen.

PRESIDENT GRAYBILL: Ten-fifteen?

DELEGATE RYGG: Revenue and Finance at ten-fifteen this morning.

Mr. Aasheim, you were up.

DELEGATE AASHEIM: Legislative Committee meeting at ten-fifteen.

PRESIDENT GRAYBILL: Legislative at ten-fifteen.

Mr. Dahood.

DELEGATE DAHOOD: Bill of Rights Committee will meet this afternoon at two o'clock, Room 331.

PRESIDENT GRAYBILL: Bill of Rights at two o'clock, Room 331. Mr. Heliker.

DELEGATE HELIKER: Public Health, Welfare and Industry immediately upon adjournment.

PRESIDENT GRAYBILL: Mr. Etchart, you are standing there beside that pillar and I don't see you very well, but now your turn has come.

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DELEGATE ETCHART: Thank you, Mr. President. I would like to announce that the Committee on General Government will be meeting on adjournment--ten minutes after adjournment--in Room 410.

PRESIDENT GRAYBILL: O. K., ten minutes after adjournment for General Government.

Mrs. Reichert.

DELEGATE REICHERT: I have an announcement, Mr. President. I was told by Mr. Dale Harris that it was necessary to retype my unicameral proposal and because of this, all those kind people, thirty-seven of them, who signed will have to resign my proposal which is being retyped. I would also like to invite those who have not signed, who might be interested in signing, to please contact me before the day is over. Thank you.

PRESIDENT GRAYBILL: Very well. Are there other announcements? Mr. Toole, I would like to get this one matter on the Citizens Corps straightened out. Is there going to be a discussion on the Citizens Corps tonight, Mrs. Bugbee?

DELEGATE BUGBEE: Yes, Mr. President, for one hour. We are meeting at seven o'clock--

PRESIDENT GRAYBILL: O.K.

DELEGATE BUGBEE: --in the Senate Chambers and after that Mr. Rader is going to be talking on the Executive at eight o'clock.

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PRESIDENT GRAYBILL: O.K., so there is a meeting tonight at seven on the Citizens Corps. Anyone interested in the Citizens Corps or being able to work in their community on that matter should certainly come. We do want to encourage that if we can. Any other announcements?

Mr. Champoux.

DELEGATE CHAMPOUX: Would I be in order for an announcement on a meeting of the Education Committee?

PRESIDENT GRAYBILL: Surely. Do you want to announce one?

DELEGATE CHAMPOUX: Right after adjournment, please, Education Committee. Also, while I'm up, if I may, none of these Pages have been introduced. Is it proper to suggest that perhaps we--

PRESIDENT GRAYBILL: We certainly should introduce the Pages and we could make you a committee to introduce the Pages when they change every Monday morning, or every Tuesday morning--

DELEGATE CHAMPOUX: Would you allow--

PRESIDENT GRAYBILL: Do you want to do it now or do you know them all now, or do you want to be ready tomorrow morning with it?

DELEGATE CHAMPOUX: I'll be ready tomorrow morning, sir.

PRESIDENT GRAYBILL: Hearing no objection from the

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floor, you are the unanimous choice to be the chairman of the committee to introduce the Pages weekly, Mr. Champoux. But I think your point is well taken and I'm glad you brought it up.

Mr. Davis.

DELEGATE DAVIS: Could it be extended to take care of the other needs of the Pages? Could this be another additional duty of this gentleman's?

PRESIDENT GRAYBILL: Let's see. Mr. Martin.

DELEGATE MARTIN: The Pages already have a Convention mother who gave a party for them last night and I think she should have a vote of appreciation--Mrs. Pemberton.

(Applause)

PRESIDENT GRAYBILL: Well thank you, Mrs. Pemberton. The Pages also have a Convention father in the Sergeant-at-Arms and all you really have to do is introduce them, Mr. Champoux. Are there other announcements?

(No response)

PRESIDENT GRAYBILL: If not, Mr. Eskildsen--oh, wait just a moment. Mr. Aasheim.

DELEGATE AASHEIM: A matter of information, please. What is the schedule this afternoon as far as the Convention is concerned? Any conflicts so we can hold meetings this afternoon?

PRESIDENT GRAYBILL: No, there are no conflicts.

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You can hold meetings all afternoon.

DELEGATE AASHEIM: Thank you.

PRESIDENT GRAYBILL: Mrs. Pemberton.

DELEGATE PEMBERTON: I don't know if this is a conflict, but there is a hearing of the Judiciary Committee at three o'clock this afternoon.

PRESIDENT GRAYBILL: Right. There is a major hearing of the Judiciary Committee for those who want to come, but the afternoon is open for committee work.

DELEGATE ESKILDSEN: I move that the--

PRESIDENT GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: I move that the Convention stand in recess until nine A.M., Friday, January twenty-first.

UNIDENTIFIED: Adjourned.

DELEGATE ESKILDSEN: Adjourned.

PRESIDENT GRAYBILL: All right, the motion is to adjourn the Convention until nine A.M., Friday the twenty-first. So many as in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

(No response)

PRESIDENT GRAYBILL: So moved.

(Adjournment at 9:50 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

EIGHTH DAY

January 21, 1972 Convention Hall

9:12 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will come to order. Are the mikes on?

CLERK HANSON: They're on.

PRESIDENT GRAYBILL: Let's rise and have the Invocation by Reverent Scanlin.

REVEREND SCANLIN: Shall we pause for a moment of silent memorial, thinking of our friend and fellow Delegate, Bob Woodmansey, as they lay to rest his father, Frederick.

(Silence)

REVEREND SCANLIN: When this corruption shall have put off incorruption and this mortal shall have put on immortality, then it shall be brought to pass saying death is swallowed up in victory. Let us pray. Here we are, oh Lord, on the last day of our first week together. What have we accomplished? Have we been good stewards of our allotted time? Grant, we pray, that in the hour of adjournment, each one of us, from our President to the youngest page attending, may hear the Master's words when he said, "Well done, thou good and faithful servant." Amen.

PRESIDENT GRAYBILL: We will open the voting mach-

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ine for attendance. Vote Aye for attendance.

CLERK HANSON: Woodmansey - excused; Felt and Habedank - excused. Mr. Holland?

PRESIDENT GRAYBILL: Close the ballot. Will you take the roll call, please, Mr. Clerk?

Aasheim	- Present	Burkhardt	- Present
Anderson, J.	- Present	Cain	- Present
Anderson, O.	- Present	Campbell	- Present
Arbanas	- Present	Cate	- Present
Arness	- Present	Champoux	- Present
Aronow	- Present	Choate	- Present
Artz	- Present	Conover	- Present
Ask	- Present	Cross	- Present
Babcock	- Present	Dahood	- Present
Barnard	- Present	Davis	- Present
Bates	- Present	Delaney	- Present
Belcher	- Present	Driscoll	- Present
Berg	- Present	Drum	- Present
Berthelson	- Present	Eck	- Present
Blaylock	- Present	Erdmann	- Present
Blend	- Present	Eskildsen	- Present
Bowman	- Present	Etchart	- Present
Brazier	- Present	Felt	- Excused
Brown	- Present	Foster	- Present
Bugbee	- Present	Furlong	- Present

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Garlington	-	Present	McDonough	-	Present
Graybill	-	Present	McKeon	-	Present
Gysler	-	Present	McNeil	-	Present
Habedank	-	Excused	Melvin	-	Present
Hanson, R. S.	-	Present	Monroe	-	Present
Hanson, R.	-	Present	Murray	-	Present
Harbaugh	-	Present	Noble	-	Present
Harlow	-	Present	Nutting	-	Present
Harper	-	Present	Payne	-	Present
Harrington	-	Present	Pemberton	-	Present
Heliker	-	Present	Rebal	-	Present
Holland	-	Absent	Reichert	-	Present
Jacobson	-	Present	Robinson	-	Present
James	-	Present	Roeder	-	Present
Johnson	-	Present	Rollins	-	Present
Joyce	-	Present	Romney	-	Present
Kamhoot	-	Present	Rygg	-	Present
Kelleher	-	Present	Scanlin	-	Present
Leuthold	-	Present	Schiltz	-	Present
Loendorf	-	Present	Siderius	-	Present
Lorello	-	Present	Simon	-	Present
Mahoney	-	Present	Skari	-	Present
Mansfield	-	Present	Sparks	-	Present
Martin	-	Present	Speer	-	Present
McCarvel	-	Present	Studer	-	Present

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Sullivan	-	Present	Wagner	-	Present
Swanberg	-	Present	Ward	-	Present
Toole	-	Present	Warden	-	Present
Van Buskirk	-	Present	Wilson	-	Present
Vermillion	-	Present	Woodmansey	-	Excused

CLERK HANSON: Mr. President, ninety-nine Delegates present.

PRESIDENT GRAYBILL: Very well, the journal may so show. Actually, it's ninety-six and three excused, is what she wants. Ninety-six, three excused and one absent. All right, Order of Business Number One, Report of Standing Committees.

Mr. Toole.

DELEGATE TOOLE: Mr. President, I move that we adopt the committee report of the Committee on Public Information. Mr. President, I am not going to spend a great deal of time on this. The Delegates have before them a massive report on public information in the committee report. I do want to say a few things about the Citizens Corps which is an integral part of our public information program. The Citizens Corps, fellow Delegates, if properly implemented, can bring the message of this Constitution to the people. And, of course, it will be different in every district. Some Delegates can use it to greater advantage; others not so. Take Paul Harlow's district--two great mountain ranges, three great

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rivers, three counties--but Mr. Harlow is organizing the Citizens Corps in his county, county by county, and he will do an effective job. Get on with the appointment. Use it however you can. There's been a lot of discussion about it--the fine pamphlet by Mrs. Bugbee which you should have on your desk. Remember that the goal is to sustain interest and to assure an informed vote on the revised Constitution. Fellow Delegates, use it. Don't write it off. I want to make a few remarks about radio and TV. We've had an experiment in the governor's office that worked out, I think, quite satisfactorily. We realize there will be some changes in radio and TV. We realize we've got to give committee chairmen more notice but these problems will be ironed out. Mr. Chairman--Mr. President, with your permission, I would now like to call on Mrs. Margaret Warden for a few additional remarks on this subject.

PRESIDENT GRAYBILL: Mrs. Warden.

DELEGATE WARDEN: Thank you, Mr. President. First of all, I'd like to say you've received copies of a trial newspaper. What I have done is clipped from the daily papers information on the Constitutional Convention. We hope to--if you like it, and I would like to have some expression on this, to let me know and we'll try to continue it so it will be on your desk in the morning sessions. Secondly, on Tuesday, many of you have not been able to see the film on the Illinois

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Convention or on the Pennsylvania Convention. There will be a showing Tuesday night at seven-thirty in the Highway Auditorium of these two films and we'd like as many of you to come and see them as possible. You go to the center door on Roberts, not on the corner, to get into the Highway Department. It's right down the street on Roberts. Be there by seven-thirty sharp because we hope to start on time. Thank you.

PRESIDENT GRAYBILL: Mr. Toole, are you finished?

DELEGATE TOOLE: Mr. President, I move for the adoption of the committee report.

PRESIDENT GRAYBILL: Very well, the question is on the adoption of the committee report of the Public Information Committee. Now, that was made available to all of you earlier this week. There was a hearing on it. There were no changes--no substantive changes in the report. You should all have it. So many as are in favor of the adoption of the Public Information Committee's report, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed?

(No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered.

PRESIDENT GRAYBILL: All right, Order of Business Number Two.

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CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Three, Reports of--or, Communications?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Four, Introduction and Reference of Delegate Proposals.

CLERK HANSON: Delegate Proposal Number Eight, introduced by Martin and others: A proposal for a new Constitutional section providing for the recall of public officers. Be it proposed by the Constitutional Convention of the State of Montana.

PRESIDENT GRAYBILL: To General Government.

CLERK HANSON: Delegate Proposal Number Nine: A proposal for a new Constitutional article vesting local governmental powers in districts. Be it proposed by the Constitutional Convention, State of Montana.

PRESIDENT GRAYBILL: To Local Government.

CLERK HANSON: Delegate Proposal Number Ten: A proposal for a new Constitutional section providing for equal rights. Be it proposed by the Constitutional Convention, State of Montana. Introduced by Blend.

PRESIDENT GRAYBILL: Bill of Rights. Mr. Clerk, read those a little slower. I don't believe the Delegates have these before them and they want to be able to--

CLERK HANSON: Delegate Proposal Number Eleven, in-

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troduced by Blend: A proposal for a new Constitutional section providing for full state funding for all free public schools. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eleven.

PRESIDENT GRAYBILL: To Education and also to Revenue and Finance, jointly.

CLERK HANSON: Delegate Proposal Number Twelve: A proposal for a new Constitutional article providing for the environment. Be it proposed by the Constitutional Convention, State of Montana. Introduced by Curtis.

PRESIDENT GRAYBILL: To Natural Resources.

CLERK HANSON: Cate--Cate, I guess.

PRESIDENT GRAYBILL: Cate. Natural Resources.

CLERK HANSON: Delegate Proposal Number Thirteen: A proposal for a new Constitutional section making all persons over eighteen years of age adults for all purposes, including the right to hold any public office. Be it proposed by the Constitutional Convention, State of Montana. Introduced by Campbell and others.

PRESIDENT GRAYBILL: To the Bill of Rights.

CLERK HANSON: Delegate Proposal Number Fourteen: A proposal amending Article Three, Section Seven, of the Constitution of the State of Montana, to prohibit interception of private communications without a valid search warrant. Be it proposed by the Constitutional Convention, State of Montana.

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Introduced by Campbell and others.

PRESIDENT GRAYBILL: To the Bill of Rights Committee.

CLERK HANSON: Delegate Proposal Number Fifteen: A proposal for a new Constitutional section incorporating the intent of Ordinance Number One of the 1889 Constitution. Be it proposed by the Constitutional Convention, State of Montana. Introduced by Scanlin and Vermillion.

PRESIDENT GRAYBILL: To the Bill of Rights Committee and to the Style and Drafting Committee, jointly.

CLERK HANSON: That is all, Mr. President.

PRESIDENT GRAYBILL: Now, may I make one remarks about reference of proposals. Some of you questioned one of my references yesterday. I am aware that the environmental issue may eventually be be the subject of some joint hearings but the proposals yesterday contained more than a bare statement of a right. They contained a good deal of material that would seem to me to imply a department or at least a legislative action. I will, in the near future, at your suggestion later, consider some joint hearings on environment between the Bill of Rights and the Natural Resources Committees. O.K., now how about resolutions? That's number--

CLERK HANSON: That's number five--no, number--

PRESIDENT GRAYBILL: All right, we'll put that off. O.K., Number Five - Final Consideration.

CLERK HANSON: None.

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PRESIDENT GRAYBILL: Six - Adoption of Proposed Constitution.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Seven - Motions and Resolutions. Before we take up the ones this morning, let's take up the ones we're going to assign.

CLERK HANSON: Mr. President, Resolution Number Two: A resolution of the Constitutional Convention of the State of Montana, urging the members and staff of the Legislative Council to give consideration to citizens' suggestions submitted to the Convention.

PRESIDENT GRAYBILL: To the Rules Committee.

CLERK HANSON: Resolution Number Three: A resolution to provide that certain citizens' suggestions be forwarded to the Legislative Council. Introduced by Roeder.

PRESIDENT GRAYBILL: To the Rules Committee. Now, we have some procedural committee resolutions this morning. Mr. Toole, is your matter up from printing yet.

DELEGATE TOOLE: No, Mr. President, the resolution is not up from printing yet. However, we could save some time, if the Delegates wish to do so, and discuss the payroll without the resolution--

PRESIDENT GRAYBILL: Well, with your permission, let's move to Mr. Murray and let's take up proposed Resolution Number Seven, the schedule, and maybe that will give you a

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little time.

Mr. Murray.

DELEGATE MURRAY: Mr. President, fellow Delegates, you have before you a three page, what we have designed as a resolution. It's in the form of a letter or memorandum to all Delegates from President Graybill, having to do with the Convention schedule. And at this time I wish to report that the Committee on Administration and the Committee on Rules and Resolutions has--have reviewed this matter and the committees have voted that the resolution be adopted and the schedule be accepted as is. And if there are no objections, I would ask the President to explain the schedule as submitted to you.

PRESIDENT GRAYBILL: Any objections?

(No response)

PRESIDENT GRAYBILL: Very well, then. This memorandum should be considered in the form of a resolution and we'll get it in better form next time. In any event, Rule Seventy-Nine requires that the President present to the Convention a schedule and that schedule was discussed at some length with the committee chairmen on Wednesday night, and the main points of the schedule are to set a cut-off date for submission of delegate proposals and, secondly, to set reporting dates for the committees, and, third, to set a date on which we expect to initiate debate on the proposals. Now, in addition to that, Rule Thirty-Eight requires the President to

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schedule the formal hearings that were required in subparagraphs two, three and four of that rule--you'll remember we debated the rule on committee hearings. We provided that a formal public statewide hearing be held for each major committee in a series and Rule Thirty-Eight provides that I am to schedule that. Now, the schedule is not really subject to Convention's debate--that is, the schedule of those hearings isn't--but the schedule of the time of cut-off certainly is and all I would say is, if we change the schedule, then I will withdraw and make the hearing schedule fit with whatever schedule we end up with today. My purpose is not to keep you from discussing the committee schedule--or, the hearing schedule--but we don't want to get into a lot of bickering about which committee comes first, and we'll schedule that after we know the other schedule. Now, if you'll turn to page three you will see there both a calendar schedule and a substantive committee schedule so that you can tell when your committee would have to report. The main points of this are, that on the third of February, which is a Thursday in the third week, at five P.M., would become the deadline for submitting delegate proposals. There were some committee chairmen who wanted it a week before that, and there were some of us who wanted it at least the weekend after that, but we compromised and we have suggested that delegate proposals, the formal proposals that we are assigning here, be all in by five P.M. on February

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third. Then, the second major thing that you need to consider is that the hearings you see are in the first column of the calendar schedule, and the deadline for committee proposals are in the second column. Now, the second column is really controlling and we are proposing to you that the General Government Committee split off the subjects of suffrage and revision and report on them first, just to start things rolling, and that then the committees report their formal proposals to this Convention, including minority reports, in a rolling manner, between the twelfth and the nineteenth--the Legislative being on the fifteenth--and then two a day until Thursday when we'll have three, and then two more on the last day. And since General Government went first with suffrage and revision, we're letting them go last with whatever else remains of their docket. Now, once--this is what we're really discussing --once that's set, we back up and we really back those formal hearings off so that everybody has at least five, and in some case, seven or eight days, between their formal hearing and their deadline for submission of their proposals, so that anything that came out of those hearings would be rewritten or changed in their proposal. Then, the final point that this schedule makes, I think, is if the General Government Committee reports on the twelfth, which is a Friday or--it's either Friday or Saturday--then we would probably be able to start--we have this forty-eight hour rule--their report would be

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printed and would certainly be on the desks Tuesday, we would think, so Tuesday and Wednesday would go by and we would be able to start debate on that matter on Thursday, the seventeenth of February. And then we would presume that debate would continue apace from then on, perhaps a half day at first but certainly a full day after the end of that week. And, assuming the Legislative Committee also made its deadline on the fifteenth, we would be able to debate it before the eighteenth--the eighteenth or the nineteenth, we could start on that. Now, that's the purpose of this calendar and the key dates are the third of February, and then the week of the twelfth to the nineteenth of February for your committee proposals to be out. And then, based on that, the formal hearings would be backed off. And, lastly, that debate would probably start on the seventeenth of February. Now, with that explanation, is there discussion of the proposed schedule?

Mr. Brazier.

DELEGATE BRAZIER: Mr. President, in the category of nit-picking, on your second page of your memo, the second paragraph, it is said that it is anticipated that the debate on committee proposals will commence on Tuesday, February seventeenth. I believe that February seventeenth is a Thursday.

PRESIDENT GRAYBILL: Yes, that should be Thursday, so let's amend the memo to read Thursday, February seventeenth. Are there other people who wish to discuss this matter?

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(No response)

PRESIDENT GRAYBILL: All right, if not, so many as shall be in favor of what will be styled eventually as Resolution Seven, which is the schedule presented here with the report--so many as are in favor of the schedule proposed in the report, Resolution Seven, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Those opposed, Nay.

(No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. Now, Mr. Toole, how are you coming?

DELEGATE TOOLE: Well, it's being delivered now, or about to be delivered. Do you want me to start before it gets here, Mr. President? It's up from printing and I think they are about to bring it out.

PRESIDENT GRAYBILL: How about the budget? Could we go through the budget? I guess that really needs to be second, doesn't it?

DELEGATE TOOLE: You have the new budget before you. We might start on the budget, Mr. President. We will start on the budget and then go back to the staff, if that's agreeable with you.

PRESIDENT GRAYBILL: Yes, let's put the budget before them. I have prepared the--again, the budget is the President's responsibility under Rule Six.

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DELEGATE TOOLE: There are some changes in the budget which result from slight changes in the staff. You don't have the changes on the staff on your desks yet so I'm going to address a few remarks to the budget itself, which is substantially the same budget with the exception of approximately nine hundred dollars that you received the other day. I want to discuss an item that has been brought up and which was brought up in the hearing yesterday. The enabling act that provided for this Convention provided that the Convention disseminate information to the public with respect to the provisions of the new Constitution. Now, there has been talk that we are going to, quote, sell, end quote, the Constitution to the voters. We are going to do nothing of the kind if I have anything to do with it. We are going to explain a very complicated document, the most complicated document ever proposed to the people of the State of Montana. It's going to be an educational process. There will be no Madison Avenue tactics used. Yes, there will be films and those films, under the law and under the federal grant which we received, must not be partisan, must not take sides. There will be slides. There will be articles. There may be TV. There will be newspaper. There will certainly have to be delegate activities. The Constitution may be submitted in several articles. This issue is to take some careful public education. There is absolutely no intent on the part of this committee, and I hope

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on the part of this Convention, to try to sell this Constitution the way you sell soap. It just simply will not be done if I have anything to do with it. Now, those are my preliminary remarks on that portion of the budget with respect to public information. There may not be any money left for public information, but that's the way I feel about that particular portion of the budget. Now perhaps, Mr. President, you will want to open debate on that subject since I think we are going to have some. If so, proceed.

PRESIDENT GRAYBILL: Very well, is there further discussion on the proposed budget?

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, I think that as a result of my appearance before the committee--was it yesterday or day before yesterday?--that the committee has very graciously answered some of my objections to the problem. However, Mr. Toole has said on two occasions here this morning that this budget--this particular item of the budget--will be expended in the fashion he states if he has anything to do with it. Now, I don't know if Mr. Toole is going to have anything to do with it, so I would like to offer an amendment for an additional provision, by way of an amendment to the committee report, which is as follows: Provided, however, that of the money budgeted for public information, none thereof shall be expended for anything but factual reporting of the pro-

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ceedings of this Convention.

PRESIDENT GRAYBILL: Mr. Schiltz, can you supply the Chair and the journal with a written copy of your proposed amendment?

DELEGATE SCHILTZ: Is just handwritten all right?

PRESIDENT GRAYBILL: That's fine. We can work from that.

Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, as I said, I think this places a little insurance on how this money is spent, in case Mr. Toole is not the man in charge of spending it. I believe him when he says that if he has anything to do with it it will be spent in this fashion. I firmly believe that the Constitution should be explained to the people of the State of Montana. Mr. Toole assures me that it will not be sold to them and I want to be sure that it isn't. I take the position that if this Constitution is any good it will sell itself. If it's bad and we're using public monies to sell it, it shouldn't be done. And that, in essence, is the reason for my amendment and my proposal.

PRESIDENT GRAYBILL: Very well, is there any other discussion?

Mrs. Bugbee.

DELEGATE BUGBEE: I would like to ask Mr. Schiltz--I have in my hand here--and the Convention is not paid for

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this, but this is the Legislative Assembly in a Modern Montana Constitution, by Ellis Waldron. It's an excellent pamphlet. It's one of the best I've ever seen. Does this mean that you would not want the Convention to pay to cover to send this to anybody--that nobody in this state has a right to anything like this?

DELEGATE SCHILTZ: Mrs. Bugbee, I haven't seen it but if it in any way does anything other than to state what has transpired in this Convention, I would object to it.

DELEGATE BUGBEE: So, therefore, your amendment means that there shall be no background material, no informing the citizens of Montana of various--no way for them to find out various points of view and to deepen their knowledge about the whole governmental process?

DELEGATE SCHILTZ: I welcome the people of Montana having an opportunity to find out the points of view of the people of this Convention. I don't want the people of Montana to be convinced of a Constitution with public money. If somebody wants to take up a collection and promote and hand out Dr. Waldron's pamphlet, that's fine with me. But I don't want public money spent for anything other than factual reporting of what transpires here.

DELEGATE BUGBEE: It seems to me, Mr. Schiltz, that this is awfully limiting for the people of Montana. I don't know really how they are going to find out--get a background

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as to issues just on what comes out of the Convention itself.

DELEGATE SCHILTZ: If we treat that as a question instead of a speech, we have newspapermen all over the place who are reporting. The newspapermen are going to comment. The newspapermen are going to pick us to pieces if we go to work putting out people's opinions, outsiders' opinions or insiders' opinions, of what should be done here unless it's something that has transpired on the floor here.

PRESIDENT GRAYBILL: Other discussion?

Mr. McKeon.

DELEGATE McKEON: I rise in support of the motion made by Mr. Schiltz. I, too, greatly fear that these taxpayers' monies will be used to promote a Constitution rather than explain it. I will agree that the public monies should be spent if they will be used only to explain the Constitution but I do not want a Madison Avenue type of slick package which will sell something to the people. Thank you.

PRESIDENT GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. President, I have a question. I have before me some of the material distributed by the Illinois Constitutional Convention. I realize that in our enabling act every voter will be given a copy of our proposed Constitution before voting, but my question is, will this copy be similar to what we receive for every election, for example, the sales tax with the small print which really--I think it

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really encourages people not to bother reading what we have proposed. In Illinois they did prepare a newspaper type explanation of each article and I think it is very easy reading and in addition, they have a simple one-page explanation of what is in the Constitution, including their alternatives. I am wondering--my question is, are we prepared to produce something of this nature for the voters of Montana.

DELEGATE SCHILTZ: Mrs. Reichert, as you know, I am on the Style and Drafting Committee. One of the things that the Style and Drafting Committee will do--this Constitution, when finally adopted, will be disseminated to every registered voter in the State of Montana. Along with every Constitutional provision, underneath it, is an explanation of why this is being done or why this was changed or how it was changed from what existed previously.

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE TOOLE: I think that everyone in this Convention is aware of the fact of the type of foolscap presentation by the secretary of state in these type of documents. It is not widely read. It's in fine print. It's on a poor quality of paper. This committee proposes, with the help of Montana State University and a grant they received, to put this Convention out in a form which is--put this Constitution out in a form which is readable, which is understandable, and I might say that this brochure put out by Montana State Uni-

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versity cannot be framed in any partisan way. It cannot be framed in any way to promote the Constitution or oppose the Constitution, but it will be a great improvement over the type of foolscap which you receive from the secretary of state on most issues of this kind.

PRESIDENT GRAYBILL: Other discussion?

Mr. Martin.

DELEGATE MARTIN: Mr. President, as I said the other day at the hearing, if we've got any notion that we can use Madison Avenue tactics in public information, we would need five hundred thousand or more and we've got exactly seventeen thousand dollars and that wouldn't begin to scratch the surface. I think, Mr. President, you said the other day that perhaps you could have ads or radio--radio or paid ads or radio--for--or television for vote for the Constitution, or something of this sort. I don't think that under this budget it would even scratch the surface to attempt to do that and what I envision what could be done with the seventeen thousand dollars certainly you couldn't do anything with that but provide some information to the media and other people.

PRESIDENT GRAYBILL: Mrs. Warden.

DELEGATE WARDEN: Mr. President, I rise in support of the motion of John Toole on public information and on--and as a member of the Public Information Committee. I feel that we do have to do something to get as many people informed

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about what we are doing and what we have done here. I think it is the most important thing that we have in the Convention and if we are--everything we do has to be checked as being--well, how do I put it?--as being suspicious, I don't think this is right. I think we have to have mutual trust. I believe that when John Toole says that, he means it. I believe that when I say it, I mean it. We want to inform. We don't intend to have a propagandizing machine that will blanket everything because, first of all, we wouldn't have any money and, second of all, I'm sure this would not be the proper way to do it. But I do feel that the public information funds must be used to inform the people of the State of Montana. Thank you.

PRESIDENT GRAYBILL: Mr. McNeil.

DELEGATE McNEIL: Mr. President, I rise in support of Mr. Schiltz's motion. I have complete trust in our Public Information Committee and know that they will be objective. However, I believe that it is premature at this time to include an item in our budget for disseminating information about a document which we don't even have the roughest of drafts at this time. It is entirely possible that the hundred Delegates assembled here won't be able to agree upon anything. I am confident, as I am sure each of you are confident, that this Convention will assemble a superior Constitution which will be completely acceptable to the people of Montana. I

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was pleased to hear Mr. Toole's comment that toward the tail end there may be no money left for public information. For that reason, there should be no objection to the amendment which I will now propose to Mr. Schiltz's motion. The amendment I propose is to add the following language: that none of the twenty-eight thousand dollars in the public information budget be spent unless approved by a majority of the Delegates after the final draft is completed.

PRESIDENT GRAYBILL: Will you please supply the Chair with a written copy of that amendment. Now. I won't debate it until I can read it, Mr. Schiltz. Wait until we get our copy. Very well, the amendment to Mr. Schiltz's motion by Mr. McNeil is that none of the twenty-eight thousand dollars in the public information budget be spent unless approved by a majority of the Delegates after the final draft is completed.

Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. President, it seems to me that if we adopt either the substitute motion or the amendment we are expressing a vote of no confidence in the Information Committee, that we are expressing a vote of no confidence in ourselves, and a vote of no confidence in the work of this Convention, and I would rise to speak against both of these motions.

PRESIDENT GRAYBILL: Mr. Schiltz.

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DELEGATE SCHILTZ: Will Mr. McNeil consent to a question?

DELEGATE McNEIL: Yes.

DELEGATE SCHILTZ: Do I understand that your amendment is an additional proviso on top of my motion?

DELEGATE McNEIL: Yes. The intent is that the money not be spent until approved by a majority of the Delegates but that if it is to be spent, or when it is voted, that it is to be restricted to the distribution of information only and not for promotion.

DELEGATE SCHILTZ: Mr. President, may I speak to that?

PRESIDENT GRAYBILL: You may. I would like to point out to Mr. McNeil that's not in his amendment. All he said isn't in his amendment. His amendment is that none of the twenty-eight thousand be spent unless approved by a majority of Delegates after final draft is completed.

Mr. Schiltz.

DELEGATE McNEIL: Mr. President, the first line of my handwritten note says to add--

PRESIDENT GRAYBILL: Yes, to his--

DELEGATE McNEIL: To add to his motion.

PRESIDENT GRAYBILL: All right. Mr. Schiltz.

DELEGATE SCHILTZ: Now I would like to speak to the substitute motion. I accede to that substitute--is that a

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substitute?

PRESIDENT GRAYBILL: No, that's an amendment to yours by way of an addition.

DELEGATE SCHILTZ: I accede to that amendment. This now being a new motion it will be the last time I can speak on it, so I would like to say to Mr. Toole and Mrs. Bugbee that I have every confidence in Dr. Waldron. I have known him a long time. He is a good friend of mine. I would like to observe--I've done a little writing myself--it's virtually impossible to keep your own feelings out of any writing you do and I just don't want anything done by any outsider in this Convention that is disseminated to the public with any public funds.

PRESIDENT GRAYBILL: Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. President, I would like to speak in several directions--is this thing on? I would like to speak in several directions to this, to Mr. -- I can appreciate your comments, and to Mr. McNeil, I can appreciate yours. As a member of the media and the press, in getting information out to the people of Montana, we have to have confidence in the press and the news media, and I am one of those people who takes it as it comes. I think they have been asked to do a terrific job in getting the reports of this, and they may not be right. Remember, this goes to several different sources. It goes from me to you, to you, and

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then sometimes it ends up with the news media and it goes to reporters and it's printed. I think it's the only way we can get the news out to the people of Montana about this Convention, and I think they are doing a terrific job. I don't think they are going to be biased and they're looking at it as they see it as we are conducting the business as we see it and there are going to be very many points of view toward this and as far as the film is concerned, in the Public Information Committee, which was held before the Convention started, the Public Information Committee had this responsibility of deciding because of the fund itself. We had to decide at that particular time whether to have this made historically or not, this film, and we decided yes, and that has been committed to this. I'd like to have these gentlemen know this and the Delegates know this also. I think we should use just every means to get this out to the people of Montana and trust their judgment.

PRESIDENT GRAYBILL: Is there anyone else who wishes to debate it before I let Mr. Toole and Mr. McNeil close?

Mr. Romney.

DELEGATE ROMNEY: Mr. President, I feel two ways about this but I think there should be great safeguard against using public money to try to get this Constitution approved by the electorate. I think that the reason for this probably goes back to the methods that were used to get the electorate

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to approve holding the Convention. If you will remember, the legislature in 1969 submitted the proposition as a referendum vote to the electorate. I was a member of the legislature and I voted for it. It passed--a little bit of history might not be remiss--in both houses of the legislature. The proposition failed in the first vote. It had to have two-thirds in both houses. The second go-around it passed by one vote in each house, each house had one vote more than the necessary two-thirds, and it would not have passed in the lower house--the house of representatives--had not ten or twelve members abstained from voting. Had they voted, it would have wrecked it. The election came along and the people who had charge of the money to spend, which had been appropriated by the legislature for the purpose of explaining it, spent a good fraction of it on newspaper advertising and on advertising over the air. There were numerous spot advertisements on the air saying, vote for the Constitution. Don't forget to vote for the Constitution such-and-such a date--material of that type, no argument, just to vote. You know how spot news--advertisements are. In the press, the ads--the display ads gave no arguments. It was just, be sure to vote for the Constitution. It was public money spent on one side of the proposition. It so happened that I approved of the thing but I did not approve of the practice. It so happened that, as a newspaper publisher, I was a beneficiary of this slush fund, but I did not approve

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of the practice, and that's the only thing I object to here and I think Delegate Schiltz and Delegate McNeil are doing a yeoman's job in this matter of calling this to the attention of the public. I rejoice at the statement John Toole made but I think a little bit of insurance--John Toole may not be handling this money. There may not be any money. There may be fifty thousand more dollars coming from a grant. I think it doesn't do a little bit of harm to take this money out and shake it into light so there won't be anything like this transpire.

PRESIDENT GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President, the problem I think is presented by Mr. McNeil's amendment, the seven--eleven--seventeen thousand dollars, restricting it to factual information to be disseminated subsequently, and if it has to be approved by everyone here, I wouldn't think that that would present any problem. But as far as the documentary film to be made of the proceedings and committee meetings, we can't do that after the document is finished. In other words, we've got to go forward with either a decision on making this documentary film to be placed in the archives--the other major constitutional conventions have made such a film. It's supported by various grants and in 1972 a documentary film would seem to be the current way to record some of this history. So, I submit--would ask Mr. McNeil to yield

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to a question and ask him if he opposes the Information Committee, of which I am a member--sometimes I think some of them wish I weren't, Mrs. Pemberton--but do you object to us proceeding with the documentary film, which we either have to go forward with or we have to cancel. We can't come back and re-enact any scenes from this Convention after it's over with.

DELEGATE McNEIL: Carl, in response to your question--

PRESIDENT GRAYBILL: You may answer the question, Mr. McNeil. You may have the floor for the answer of the question.

DELEGATE McNEIL: In response to your question, I would have no objection to the filming of a purely historical document. However, I am most concerned about the fact that the man with the camera in his hand can film those portions which he wants to film. I do not care whether it's Montana State University or Warner Brothers that would be filming this. It is inevitably influenced by the person--which committee meeting is he particularly going to attend? I think it's premature to authorize the expenditure of any money before the document is prepared in acceptable form to the Delegates.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President--

PRESIDENT GRAYBILL: Wait a moment. Mr. Davis, are

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you through?

DELEGATE DAVIS: I believe I still have the floor and I am yielding to his question, if I may, Mr. President. Would you have a different opinion--will you yield to another question, Mr. McNeil?

PRESIDENT GRAYBILL: Mr. McNeil, you may yield--you may answer the question.

DELEGATE DAVIS: Would it meet with your approval if such a film were prepared, and everyone would hope and make their best efforts to proceed on a pure documentary basis, but it would not be released until it had the approval of a majority of the Convention, since we can't make it afterwards. You see what I mean?

DELEGATE McNEIL: I don't mean to imply censorship, that it should show just the parts I want to, but if it is purely objective, I would agree.

PRESIDENT GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Could you read the motion again, Mr. President?

PRESIDENT GRAYBILL: (reading) That none of the twenty-eight thousand dollars in the Public Information budjet be spent unless approved by a majority of the Delegates after final draft is completed.

DELEGATE SCHILTZ: Point of order--

PRESIDENT GRAYBILL: Just a moment, now. Mr.

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Schiltz, point of order.

DELEGATE SCHILTZ: (Inaudible--speaker not turned on) --have added to my original motion so the entire motion should be read.

PRESIDENT GRAYBILL: Mr. Davis, do you need the entire motion read?

DELEGATE DAVIS: If the President doesn't object, I think it would be helpful. I think--

PRESIDENT GRAYBILL: All right. I understood you to say you wanted Mr. McNeil's amendment read. (Reading) Provided, however, that the money budgeted for public information--that of the money budgeted for public information, none thereof shall be expended for anything but factual reporting of the proceedings of the Convention; that none of the twenty-eight thousand dollars in the public information budget be spent until approved by a majority of the Delegates after final draft is completed.

DELEGATE DAVIS: As a member of the Public Information Committee, I would have to resist that. I am opposed to selling and I am opposed to anything but factual information, but there is no way the Public Information Committee can function unless we do these things as the Convention is going on, for subsequent release. So I would therefore resist both the motion and the amendment.

PRESIDENT GRAYBILL: Mr. Champoux.

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DELEGATE CHAMPOUX: Am I in order at this point to talk in favor of Mr. Toole's resolution, or not?

PRESIDENT GRAYBILL: You are in order to debate the amendments, which you can oppose the amendments and that way support them, I guess.

DELEGATE CHAMPOUX: All right. First of all, I would like to say that the Public Information Committee isn't the United States Department of Defense. Secondly, we are talking about spending over five hundred thousand dollars in this Convention. We are talking about spending over two hundred thousand dollars in a special election, and I think it is ridiculous not to be able to spend twenty-eight thousand dollars in disseminating for public information. The third thing, in talking with some of the Delegates and reading some of the articles in the statewide papers, sometimes we wonder if they're not writing about the North Dakota convention. Thank you.

PRESIDENT GRAYBILL: Mr. Harper.

DELEGATE HARPER: I think we are all in sympathy with the direction of Mr. Schiltz's motion and I think he has done us a service to call this to our attention so that we can all be aware of the fact that we ought to be careful at these points, and I am in favor, in general, of what he says. But I think if we got legalistic in terms of interpretation of it, we might undo some things I don't believe he even had in

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mind when he made this suggestion. For example, the tours of school children who come, other things. You may not say this is factual reporting of what's going on in the Convention. I can see how somebody on the committee might say that factual reporting of this Convention would mean that various points of view that were expressed; an article like Ellis Waldron's dropped into the hopper then could properly be reported as information which went to the Delegates, etcetera, etcetera. And I think, without it, we can keep the essence of what he wants and with it we might be in a little bit of a legal bind in trying to do the complete job.

PRESIDENT GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: I would like to speak against the proposed amendment, primarily because, involved with what Mr. Champoux stated, that in terms of total expenditure of this Constitutional Convention we are spending a half million dollars of the State of Montana. We can at least reserve a small portion of that to let the state know what we are doing with that money. And I would like to also talk on--or to mention to Mr. Schiltz. I hope that you do not mean that everyone that is not a member of this Convention is an outsider, because I believe that every citizen of Montana is as much a part of this Convention as we are, and I hate to see them referred to as outsiders.

PRESIDENT GRAYBILL: Now we are debating Mr. McNeil's

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second amendment. Mr. Martin, I'm not certain if you've spoken on Mr. McNeil's amendment or not.

DELEGATE MARTIN: No.

PRESIDENT GRAYBILL: Very well. Mr. Martin.

DELEGATE MARTIN: Mr. President--

PRESIDENT GRAYBILL: Gentlemen, I'm going to let you close, but I'm not going to let you talk until it's time to close.

DELEGATE MARTIN: I would just like to point out to the Delegates that by adoption of the Public Information report just a few minutes ago, you have adopted by the Convention the policy statement of the Public Information Committee which requires openness, the presentation of both sides, and everything of this sort. By your Convention--your action you have agreed on this policy of openness and fairness and certainly are not going to muzzle anyone.

PRESIDENT GRAYBILL: Mr. Cate.

DELEGATE CATE: Mr. President, two things that haven't been said. First of all, I rise in opposition to Mr. Schiltz's and Mr. McNeil's motions and in favor of Mr. Toole's motion. The people elect legislators. That's how the people are represented. The legislature, acting on behalf of the people, set up the question of whether or not we would have a Constitutional Convention. The people had an opportunity to vote on it and they voted for it. So, to say that we are

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spending the people's money to promote the Constitutional Convention and we shouldn't be doing that, is a concept that I don't agree with. The people gave us this money and they gave it to us for the purpose of having a Constitutional Convention. And I think we would be remiss in our duty if we didn't try to sell the final product after we have spent some seven hundred thousand dollars. Secondly, the point should be made that I think we are going to do some great things here and we are going to come out with what I believe will be a great Constitution--maybe not containing all the things that I might like, but tempered with the wisdom of those who are older, and it will be a viable document. And there are forces and people in the State of Montana who are going to be opposed to this new Constitution and they are going to be spending a lot of money to defeat it. And, I'm afraid it would be a sorry state if we came out with this kind of Constitution and the opposition was there spending their money and we had no money with which to present the true, or an explanation or retaliation to their comments. Thank you.

PRESIDENT GRAYBILL: Mr. James.

DELEGATE JAMES: Mr. President, I would like to speak in opposition to Mr. McNeil's proposal. I think it's unduly restrictive and highly unrealistic. I would also like to speak in sympathy with Mr. Schiltz. I think that his concern is that we be objective; that we do not try to sell the

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unicameral or the bicameral; that we do not try to sell the Montana Plan, or an environmental clause, but that we be purely objective. If Mr. Schiltz may speak, was that the intent of your motion, Jack?

PRESIDENT GRAYBILL: Mr. Schiltz, you may answer. The point is, you ask the Chair if you may yield to a question and then the Chair will allow you to do that. We just don't let debates start between two of you without coming up here. O.K., Mr. Schiltz, you may answer.

DELEGATE SCHILTZ: That was precisely the point of my motion. Mr. President, while I'm on my feet--and I'm not going to make a speech--but I heard you say twice that you were going to allow Mr. Toole to close and I don't want to raise a point of order, but I think that--

PRESIDENT GRAYBILL: Well, when the time comes, if you object to it, I'll explain my ruling. Before we go to Mr. Toole, is there further discussion of Mr. McNeil's amendment?

Mr. McCarvel.

DELEGATE McCARVEL: Mr. President, I wonder if Mr. McNeil would yield to a question?

PRESIDENT GRAYBILL: Mr. McNeil, will you yield?

DELEGATE McNEIL: Yes.

DELEGATE McCARVEL: Is it your intent that the material or proceedings that are here will be cut off from

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the press by the information?

DELEGATE McNEIL: Of course not.

DELEGATE McCARVEL: Then, all your intent is that after we have finished the product, then the information committee could bring it to the public.

DELEGATE McNEIL: Negative. I do not intend in any way to restrict the Public Information Committee at this time.

DELEGATE McCARVEL: No, not at this time in bringing it to the public but when the finished product comes out, then it is the time to bring it to the public as a finished product.

DELEGATE McNEIL: Upon approval of a majority of the Delegates at this Convention, at that time I would make the motion to spend the money.

DELEGATE McCARVEL: Then I will have to go along with your proposal.

PRESIDENT GRAYBILL. Mr. Kelleher.

DELEGATE KELLEHER: As I understand it now, Mr. McNeil has amended Mr. Schiltz's motion.

PRESIDENT GRAYBILL: Right.

DELEGATE KELLEHER: And so are we voting now on the amendment, when you do call for a vote?

PRESIDENT GRAYBILL: All right, I'll explain this. When we vote we will vote on Mr. McNeil's amendment. Mr. McNeil will get to close and Mr. Schiltz will get to close

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since it's his amendment that's being amended. Then when we vote on Mr. Schiltz's amendment, he'll get to close and Mr. Toole will get to close on the whole thing because it's an amendment to his amendment. In other words, the fellow who proposes has a chance at the end and the fellow that--who is being amended also has a chance. Now, you're on the floor, Mr. Kelleher.

DELEGATE KELLEHER: I wasn't so much concerned as to who was going to be closing, Mr. President,but when you call for--is my mike on? I'm tired. These late committee meetings. Is my mike on?

PRESIDENT GRAYBILL: Yes.

DELEGATE KELLEHER: As to--are we going to vote on the amendments separately, that is my question, sir.

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE KELLEHER: I think that the amendment is premature and that the original motion of Mr. Schiltz is also premature. I have a question. Has the eleven thousand dollars been committed of this twenty-eight to the U. of--to M.S.U.?

PRESIDENT GRAYBILL: If that question is directed to the Chair, it has been committed but it depends on the passage of the budget.

DELEGATE KELLEHER: I see. Only one state, as I understand it, Mr. President, has debated this problem of

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attempting to sell the finished product to the people of that state, and I have no fear of using the word sell. I am trying to sell my fellow Delegates on the floor of this Convention and committee hall--even in the men's room--every day. And when we are finished--I haven't been able to get into the other room or I'd try to sell there, too. And when we are finished with this product, and I hope it's going to be a revolutionary type of document--not a lot of rehash of what we've got--I have no objection to using the word, try to sell it to the people of the State of Montana. I rather suspect there will be an organized movement to attempt to defeat the document. In fact, shortly after the election, one person down in my part of the state said that no matter what happened, no matter what they wrote up there in Helena, this person was going to defeat it, attempt to defeat it. Because the only state to debate this matter refused to spend, as I understand it, public funds to attempt to, quote, sell, close quote, the finished product--and I submit that there is a very fine, indistinguishable line between opinion and strictly factual information, and it would take more than a Philadelphia lawyer to determine what it is when we put out our advertising to explain this final document to the people of Montana, that it would be an impossible proposition. In this state they decided not to spend the money and it was one of the states whose constitution went down to defeat. And I rather

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suspect, and I haven't had time to investigate the matter, but I suspect that because they did not have sufficient funds with which to sell--and I use the word advisedly--the finished document to the people of Montana, that that was the reason why it was defeated, and that was in the state of Arkansas. For this reason, Mr. President, I move that we table--and because we have not completely--we have not finished, we have not drafted, really, on this floor, not one word, not even the title of our Constitution, because I feel this matter is premature at this time, I move that we table the motion of Mr. Schiltz and the amendment of Mr. McNeil. Thank you.

PRESIDENT GRAYBILL: I understand the motion to table both amendments--is that right, Mr. Kelleher?

DELEGATE KELLEHER: Yes, sir.

PRESIDENT GRAYBILL: Both amendments has been made and the motion is not debatable. For what purpose do you rise, Mr. McKeon?

DELEGATE McKEON: I rise to ask Mr. Schiltz a question.

PRESIDENT GRAYBILL: I'm sorry, we are going to have to vote on this motion to table these two amendments. Mr. Aasheim, for what purpose to you arise?

DELEGATE AASHEIM: To ask the Chair a question. Can we vote on the two simultaneously?

PRESIDENT GRAYBILL: Well, Mr. Kelleher, you are

moving to table both of them?

DELEGATE MURRAY: Well, this is the problem here. You've got a motion and it's got an amendment tacked onto it.

PRESIDENT GRAYBILL: All right. Let's vote to table Mr. McNeil's, which includes Mr. Schiltz's, and then we'll have to consider what to do with Mr. Schiltz's separately.

Mr. Romney, for what purpose--

DELEGATE ROMNEY: Point of order.

PRESIDENT GRAYBILL: All right.

DELEGATE ROMNEY: As I understand it, the McNeil amendment was accepted by Mr. Schiltz and so it is one proposition.

PRESIDENT GRAYBILL: Well, I listened to Mr. Schiltz carefully but I did not understand that he was accepting it and replacing his motion with it. My understanding said he was agreeing with it. Now, we have debated it on that basis. If he's going to accept it, he's going to have to make it clearer to me. I understood that he was agreeing with the sense of it but I didn't understand he was accepting it as his motion. I think I have Mr. Schiltz's mind in my mind.

DELEGATE SCHILTZ: That is correct, Mr. President.

PRESIDENT GRAYBILL: For what purpose to you arise, Mr. Berg?

DELEGATE BERG: Question of the Chair.

PRESIDENT GRAYBILL: Very well, ask the question.

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DELEGATE BERG: Are we to consider that this motion to table applies to both motions? A Delegate in the position of favoring one amendment but opposed to the other, he would necessarily be in the position of killing both.

PRESIDENT GRAYBILL: I'm about to get Mr. Kelleher's approval that we make it apply to the McNeil motion first, which does include both motions, and then if he wants to re-make it for the Schiltz motion we'll do that separately. Is that agreeable with you, Mr. Kelleher?

DELEGATE KELLEHER: Mr. President, would you please --I'm sorry to ask, but would you please read back to me Mr. McNeil's motion?

PRESIDENT GRAYBILL: Mr. McNeil's motion includes Mr. Schiltz's motion and it says: Provided, however, that of the money budgeted for public information none thereof shall be expended for anything but factual reporting of the proceedings of the Convention; that none of the twenty-eight thousand in public information budget be spent unless approved by a majority of the Delegates after final draft is completed. That's his whole amendment. So we'll vote, unless you object, Mr. Kelleher, on tabling that amendment. Then I'll give you the floor and you can make another one if you want to.

Mr. Toole.

DELEGATE TOOLE: May I speak on the motion to table?

PRESIDENT GRAYBILL: No, it's non-debatable. We are going to move to table it, one way or the other, without debate. If you want to ask a question or have a point of order that's fine, but no debate. All right, all those in favor of Mr. Kelleher's motion to table Mr. McNeil's motion, or amendment, which includes the whole text, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Chair is in doubt. We will have an unrecorded roll call vote. All those in favor of tabling the motion vote Aye. Those opposed to tabling the motion vote No.

Have all the Delegates voted?

Does any Delegate wish to change his vote?

The ballot is closed. The tally is fifty Nays, forty-five Ayes. The motion is not tabled.

Now, Mr. Kelleher, do you wish to make a separate motion at this time? We are going to vote on--I think, Mr. Kelleher, I'll have to come back to you after we dispose of Mr. McNeil's motion one way or another. All right, we are still debating Mr. McNeil's motion which includes the whole thing.

Mr. Brown.

DELEGATE BROWN: Mr. Chairman, or Mr. President, I

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have listened to this debate and I am a member of this Public Information Committee. If this motion, as amended, is passed I don't see how the State University can come over and make the film, or if they would make it, because we'd have it all done and if the people didn't approve of it they would vote it down and we could not pay them the money. I think they are going to have to give some discretion to the committee to do what we think is best. And I agree with Mr. Schiltz that we should factually report it, but we can't be legislated on and given a little discretion, and I'm sure that members of the committee that I know, that we will see that the information is factual. If there's any attempt to sell this Convention, then we'll come back to the Convention as a whole and report. So, for those reasons, I think their people would not deal with us if we are too restricted.

PRESIDENT GRAYBILL: Mrs. Eck.

DELEGATE ECK: I would just like to ask Mr. McNeil a couple of questions on this issue.

PRESIDENT GRAYBILL: Mr. McNeil, will you yield?

DELEGATE McNEIL: Yes.

DELEGATE ECK: I am not too much aware of all of the programs now under way by the public information department but I do know that they have set up a program of school tours which Mr. Harper mentioned. I do know that they are issuing weekly bulletins to weekly newspapers who do not have access

to the Capitol Bureau reports. Would you suggest right now that those two programs be cut, and your amendment would do that.

DELEGATE McNEIL: That was not the intent, Mrs. Eck.

DELEGATE ECK: How would you, then, continue these when none of this money is to be spent until the end of the Convention?

DELEGATE McNEIL: Is this the only source of funds available to that committee?

DELEGATE ECK: I think so.

PRESIDENT GRAYBILL: Mr. Skari was up next.

DELEGATE SKARI: Mr. President, I think this airing was quite useful. The concern of Mr. McNeil and Mr. Schiltz is also a concern of mine, but I also feel that we here do not wish to write too restrictive a document. We're concerned that perhaps the assurance or the guarantees we get in this matter will not be worth the price, and I think that this perhaps may also be the case with the rules that we enact here. These, in effect, are our own constitution. I would suggest--at least I have been assured by the Public Information Committee that they are capable of doing a good job and I guess I feel that we should allow them to go ahead with this and not over-restrict them. And I think perhaps--and I use this word sell, too--I think perhaps we should consider for all purposes that it is a four letter word and perhaps we

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should avoid it. Thank you.

PRESIDENT GRAYBILL: Mrs. Babcock.

DELEGATE BABCOCK: As a member of the Public Information Committee, I rise in opposition to Mr. McNeil's amendment because I feel it would be a great loss to the State of Montana not to have this film made in order to preserve the history of this Constitution. I also rather resent when you refer to the Madison Avenue tactics because I happen to live on Madison Avenue.

PRESIDENT GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: Mr. President, I rise as a member of the public, which I am. I may be a Delegate but I am also a member of the public. I am concerned about the fact that we are not going to get anything from the proceedings of this Convention from the Convention. All that we will get from these proposed amendments to the budget is what will be given out by the press and by word of mouth. If we haven't the faith in ourselves and in our fellow Delegates to use the money proposed here in the budget at the various levels explained in the budget, and we are going to start out restricting this amount and that amount, we will end up not even being able to pay ourselves until we have a motion on the floor that we should pay, and that will cost more money and we'll have less money to pay ourselves. I am strongly opposed to this restriction of giving information from this

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delegation to the public.

PRESIDENT GRAYBILL: Mr. Jacobson.

DELEGATE JACOBSON: Mr. President, fellow Delegates. I am against Mr. McNeil's amendment and Mr. Schiltz's amendment. The Public Information Committee has done and is doing a terrific job of getting information to the public so far. They have done--I don't know how many hours of time have been put in to the planning that they have done for the picture, for other things. I believe that we must let them plan and use their discretion and bring the things before this body as is necessary. I do not think we should tie their hands at this time. They should plan ahead as business must plan in an advertising promotion. We have a big job and we can use sell if we want to, I believe, because the public must be sold on this document we provide, and I think it has to be over a long period of time, all during this Convention, and if there are things that the public information group can do to assist us as we go along, I think that we will need all the help we can get. Thank you.

PRESIDENT GRAYBILL: Very well. Mr. Berg.

DELEGATE BERG: Mr. President, will Mr. McNeil yield to a question?

PRESIDENT GRAYBILL: Mr. McNeil?

DELEGATE BERG: Mr. McNeil, is it the sense of your motion that no monies may be spent by the Public Information

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Committee unless and until the document, the Constitution, has been approved finally by this Convention?

DELEGATE McNEIL: That is the strict language of the amendment, yes, Ben.

DELEGATE BERG: And are you aware that once this Convention finally approves that document it then is in adjournment?

DELEGATE McNEIL: That is correct.

DELEGATE BERG: And is it then the purpose of your motion to prohibit the Public Information Committee from expending any funds for any purpose during the time this Convention is sitting?

DELEGATE McNEIL: Yes, unless approved by a majority vote of this Convention.

DELEGATE BERG: And so it is the intent and purpose of your motion not to express any confidence in the Public Information Committee to expend budgetary funds?

DELEGATE McNEIL: Without prior approval of this Convention, yes.

DELEGATE BERG: Mr. Chairman.

PRESIDENT GRAYBILL: Yes.

DELEGATE BERG: It seems perfectly obvious to me that the sole and only purpose of Mr. McNeil's amendment is to disenfranchise the Public Information Committee during the course of this Convention. Now, I am personally opposed to

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that. On the other hand, I am in agreement with Mr. Schiltz's amendment that any information produced by the Public Information Committee regarding the proceedings of this Convention be factual and objective, but I would not hamstring their budget appropriations unless, of course, it is the sense of the Convention that it is being misapplied.

PRESIDENT GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. President, I move the previous question.

PRESIDENT GRAYBILL: O.K., previous question has been moved. In other words, we are going to vote on whether to vote on Mr. McNeil's amendment. Two-thirds vote is necessary, the Clerk informs me. All those in favor of voting now on Mr. McNeil's amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: Nay.

PRESIDENT GRAYBILL: The Ayes have it and we will now vote. All right, the proposition is on Mr. McNeil's amendment, which is: Provided, however, that of the money budgeted for public information none thereof shall be expended for anything but factual reporting of the proceedings of the Convention; that none of the twenty-eight thousand dollars in the public information budget be spent unless approved by a majority of the Delegates after the final draft is completed.

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So many as are in favor of that amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as opposed say No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and the amendment fails. We are now debating Mr. Schiltz's amendment, which is: Provided, however, that of the money budgeted for public information none thereof shall be expended for anything but factual reporting of the proceedings of the Convention. Is there any further discussion.

Mrs. Payne.

DELEGATE PAYNE: I would like to ask Mr. Schiltz a question. Do you mean, Mr. Schiltz, that we couldn't go ahead having this film made by the University?

DELEGATE SCHILTZ: Not at all, so long as the film is a film of the proceedings of this Convention, I have no problem with that.

DELEGATE PAYNE: You have seen one of the films--

DELEGATE SCHILTZ: I have seen the Bell Telephone Company film of the state of Illinois.

DELEGATE PAYNE: Thank you very much.

PRESIDENT GRAYBILL: Is there other discussion of Mr. Schiltz's amendment. If not, Mr. Schiltz, do you want to close first. Mr. Schiltz, there is no further discussion. You may close first, then Mr. Toole, to whose report you are

making an amendment, may close finally.

DELEGATE SCHILTZ: Thank you, Mr. President. I appreciate very much the interest of all the members. I think we have excited a reasonably good debate here today and everybody--almost everybody has had a say except Wade Dahood who moved the previous question. I get back to the proposition all the time. I think my motion only puts into words and into a formal document of this Convention what Mr. Toole assured us of in the very beginning--that they do not intend to do anything other than what the language of my motion provides. I would like to say once more that I think that if this document turns out to be a good document, and we all have every hope that it will--we are certainly all working hard enough--that it will sell itself. Thank you.

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. President, I think that everything has been said that could be said on this subject. I would warn the Delegates that the film is scheduled to be started--to be shooting next Tuesday, and if we take this out of the budget, that's going to have to be cancelled. Mr. President, I would suggest, or I would move that we vote at this time on Item oh-one-two-eight of the budget.

PRESIDENT GRAYBILL: Well, Mr. Toole, wait a minute. We have to vote on Mr. Schiltz's amendment first.

DELEGATE TOOLE: I beg your pardon.

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PRESIDENT GRAYBILL: Very well, the proposition before us is Mr. Schiltz's amendment: Provided, however, that of the money budgeted for public information none thereof shall be expended for anything but factual reporting of the proceedings of the Convention. So many as shall be in favor of that amendment, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Chair is in doubt. We will open the ballot. So many as are in favor, vote Aye on the voting machine. As many as are opposed, vote No. Have all the Delegates voted?

(No response)

Does any Delegate wish to change his vote?

(No response)

The vote is closed and the vote is fifty-two Ayes in favor of the amendment and forty-three Noes against it, so the motion carries. Now we are back on debate on the budget and the budget has been presented to you. Is there further discussion on other matters on the budget?

Mr. Blaylock.

DELEGATE BLAYLOCK: Under the--oh, we're not--

PRESIDENT GRAYBILL: We're on the budget now, not the staff.

DELEGATE BLAYLOCK: Excuse me.

PRESIDENT GRAYBILL: Anything else on the budget? Mr. Toole.

DELEGATE TOOLE: Mr. President, if you will turn to the staff section of the budget you will notice that we have made some minor changes in salaries.

PRESIDENT GRAYBILL: Hold that a little further away from your mouth, Mr. Toole. Thank you.

DELEGATE TOOLE: You will notice that we have made some minor changes in salaries. Mr. Spall and Mr. Sullivan have been increased from twenty-five dollars to thirty dollars a day.

PRESIDENT GRAYBILL: Mr. Toole, since you now have--may I interrupt you--since you now have your other resolution concerning employees and their salaries before you and since that is an integral part of the budget, would it be agreeable with you to defer consideration of the budget while we consider your other resolution, and then we'll know whether the budget is right or not.

DELEGATE TOOLE: Which resolution are you referring to--the dissemination of information?

PRESIDENT GRAYBILL: Resolution Number Four, which has now been placed on the Delegates' desks, is a resolution prescribing the titles and salaries of Convention employees. I wonder if we could take that up. We discussed the budget

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first but let's take that up since we now have this.

DELEGATE TOOLE: Yes, that's my intent.

PRESIDENT GRAYBILL: Right. That's your intent. O.K. Go ahead on that resolution. Resolution Number Four.

DELEGATE TOOLE: Resolution Number Four provides for certain salary changes. As I said, Mr. Spall and Mr. Sullivan, both of whom are research analysts, newly hired because of the addition of two additional committees, are found to be very competent, both highly recommended by their committee chairmen. Therefore, the Committee recommends that their salary be increased from twenty-five to thirty dollars a day. Bookkeeper, Mr. Al Brown, an experienced businessman--finance, banking, retailing--Convention fortunate to have him. He has been working without pay prior to the Convention. We recommend that his salary be increased from twenty-five to thirty dollars a day. It's pretty hard to hire a man of his experience at those kind of wages. Miss Sue Phillips, a typist, has been given a very heavy job in Public Information, involving considerable typing. We recommend that her salary be increased from seventeen dollars a day to eighteen dollars a day and those salary increases make a total change in the total budget--they make a change in the total budget of nine hundred fifty-five dollars. I would move at this time that the Convention adopt the recommendations of salary increases in the staff.

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PRESIDENT GRAYBILL: Very well. Mr. Toole's motion is that the resolution on titles and salaries of Convention be adopted.

Mr. Hanson.

DELEGATE HANSON: Mr. President, I think it's probably a typographical error but on the last sheet, Sue Phillips, it shows seventeen dollars. I believe that was intended, Mr. Toole, to be eighteen dollars.

PRESIDENT GRAYBILL: Mr. Toole, isn't that correct? Sue Phillips was raised yesterday in committee meeting to eighteen dollars?

DELEGATE HANSON: He did say so but the typed sheet doesn't show it, John.

PRESIDENT GRAYBILL: Will everyone take page two and about five salaries from the bottom you will find Sue Phillips. Will you please make that eighteen dollars?

DELEGATE TOOLE: Oh, yes, that's a mistake. Sue Phillips should be at eighteen dollars instead of seventeen dollars.

PRESIDENT GRAYBILL: Very well. Mr. McKeon.

DELEGATE McKEON: (Inaudible--speaker not turned on)

PRESIDENT GRAYBILL: Will you wait a minute? O.K., now you have the floor.

DELEGATE McKEON: Thank you very much. My motion is that the salaries of the two research analysts be raised to a

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level comparable with the other research analysts, to-wit, thirty-six dollars and fourteen cents. The other part of my motion is that the salaries of the committee secretaries be raised from twenty dollars to the amount which is paid the secretary receiving the highest salary, twenty-five dollars and thirty-eight cents. I make this motion, Mr. Chairman, because the--

PRESIDENT GRAYBILL: Just a moment, Mr. McKeon. Have you got a written copy of your motion?

DELEGATE McKEON: No, I don't.

PRESIDENT GRAYBILL: Well, will you write one up for me?

DELEGATE McKEON: Thank you very much. Can I write it up after I finish?

PRESIDENT GRAYBILL: Well, I'd like to have it so I know what I'm talking about. Just take a minute and write down your figures. We don't want to make any mistakes. I might say for the edification of the rest of you that the Chair is going to enforce that rule about written motions unless the motion is to change one word or one very short phrase in something. It's just that we've got a record and we've got the journal and we've got a chairman and none of us know what we're talking about if we don't have these things in writing. So, if you come to a meeting prepared or intend to amend something, please get to some steno and get it typed up. We'll

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take it handwritten today but we'd really like it typed up in better form when we get further along. Obviously, when we get in the middle of debate and you change something that has been put in later, we'll be pretty liberal with the rule, but on things that you've thought about, I would appreciate it and so would the journal clerks if we could have it in writing. For what purpose does Mr. Nutting rise?

DELEGATE NUTTING: (Inaudible. Speaker not turned on.)

PRESIDENT GRAYBILL: Wait a minute, Mr. Nutting. Now, for what purpose do you rise?

DELEGATE NUTTING: Do you have amendment forms that would be available to the Delegates that we could have so we could send them right up?

PRESIDENT GRAYBILL: Yes, I'm sure there are some forms in the Clerk's office that you can use.

DELEGATE NUTTING: They are available in the Clerk's office?

PRESIDENT GRAYBILL: Yes. All right, Mr. McKeon's motion is: I move that the salaries of the research analysts presently receiving thirty dollars a day be increased to thirty-six fourteen per day, and that the salaries of the committee secretaries be raised to twenty-five dollars and thirty-eight cents per day. Very well.

Mr. McKeon.

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DELEGATE MORLON: Thank you very much, Mr. Chairman. I won't belabor my point because I think the point has been made. There is a disparity in the pay scale as it is presently proposed to this body. I propose to rectify this disparity and believe that the sense of fair play and the conscience of the Delegates will lead to the one conclusion that the salaries must all be the same because these people are doing the same jobs, working the same hours, and expected to perform at substantially the same level. For this reason alone, I feel that these people must be paid the same rate. Thank you very much, Mr. Chairman.

PRESIDENT GRAYBILL: Is there a discussion?

Mrs. Eck.

DELEGATE ECK: You will note on the report that after some employees there are asterisks. It doesn't indicate what those are for but the people with asterisks after their names are persons who have worked over the last various numbers of months--that they were all on the Commission staff. In other words, these are people with experience. The committee felt, when they met, that some disparity in salaries for the same job could be acceptable in cases where employees had previous experience and I think that--especially in this case where the experience and the understanding of the total working of the Convention and what they're expecting to happen, I think that this disparity is not--you know--I think

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the salary differentials are really acceptable in this case because of this reason--discrepancies in the amounts of training. I believe that all of the research analysts, for instance, who were on the staff before, have master's or doctor's degrees or are attorneys or such; whereas, the new ones--one has not quite finished the bachelor's degree. I believe the other one has. I'm not meaning to indicate that they are not really great staff members. I think that both of them have been working doubly hard because they are new. But I do think that this helps to explain the reason for the salary scale that was set up.

PRESIDENT GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: May I ask Mrs. Eck a question?

PRESIDENT GRAYBILL: Mrs. Eck, will you yield?

DELEGATE ECK: Yes.

DELEGATE HELIKER: Mrs. Eck, can you tell me if the other research analysts--that is, those who worked for the Commission--were hired at a lower rate and then advanced after a certain length of time?

DELEGATE ECK: It's my understanding that they were hired at the same wage as they're getting now. There have been no increases, but I think you have a point there.

DELEGATE HELIKER: Mr. President, do I still have the floor?

PRESIDENT GRAYBILL: I beg your pardon?

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DELEGATE HELIKER: May I--

PRESIDENT GRAYBILL: You have the floor, yes.

DELIGATE HELIKER: I have no knowledge--I'm not on the committee and I don't want to imply that I consider the committee's action here as a personal affront, but I do have some knowledge about Dick Spall, and in view of the fact that the other research analysts were hired at the full rate of thirty-six dollars and fourteen cents or more and were not required to go through a probationary period; in view of the fact that in my personal knowledge Dick Spall is an extremely well qualified and trained research analyst who--that is true, he lacks sixteen hours, credit hours, of reaching his A.B.--has already taken the C.P.A. exam, has maintained practically a straight A average through his college career from the very beginning. I told him when I asked him if he would take the job that he would be expected, because he is coming in late, to work twelve hours a day, seven days a week to catch up and I think that's what he has been doing. And I think that instead of being penalized for the fact that he was hired late and therefore has to work harder, he ought to at least be paid as much as the other research analysts.

PRESIDENT GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. President, as I understood the amendment on salaries and secretaries, the figure of twenty-five dollars and thirty-eight cents was given. I would just

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like to make the point that when they did that they still left the salary one cent less than the one on the page there they are referring to.

PRESIDENT GRAYBILL: Do you want to discuss your motion, or what do you want to do?

DELEGATE McKEON: I just wanted to say that I think that's a misprint. I think on the other proposed budget it was twenty-five thirty-eight; however, it is a penny. Mr. Chairman, may I ask Mrs. Eck a question?

PRESIDENT GRAYBILL: Who?

DELEGATE McKEON: Mrs. Eck.

PRESIDENT GRAYBILL: Well, now, you don't have the floor until you close. Are you ready to close?

DELEGATE McKEON: No, I'm not. I'll sit down.

PRESIDENT GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President, I'd like to ask Mrs. Eck a question. Under the committee secretaries, Mrs. Eck, you pointed out that one had been employed by the Commission. Are you saying then that none of the other committee secretaries were employed by the Commission?

DELEGATE ECK: Any committee secretary that was employed by the Commission has an asterisk after her name. I think you will notice when you get down to Rules that Alice Berner was employed by the Commission also.

DELEGATE BLAYLOCK: I see. Then I rise in support

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of Mr. McKeon's motion and I'd like to speak particularly to the committee secretaries that, in absence of a compelling reason that one is doing more work than the other or has more responsibility, that all committee secretaries should be paid the same.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President, may I ask Mr. McKeon a question, please?

PRESIDENT GRAYBILL: Mr. McKeon?

DELEGATE McKEON: Yes.

DELEGATE CHAMPOUX: Mr. McKeon, do you have any estimate at all as to what we are talking about in terms of money here?

DELEGATE McKEON: I think that probably, in the terms of the salary raises I propose, we are probably talking approximately fifteen hundred dollars.

PRESIDENT GRAYBILL: Is there further discussion? Mrs. Cross.

DELEGATE CROSS: Mr. President, I think that we should remember that this Convention has a limit on the amount of money that is available for us to spend, and if you will look at the total figure of your budget, I think we have reached the limit. I don't quarrel with Mr. McKeon on the fact that he thinks these secretaries and other help may deserve more money. The point is, the Budget Committee had

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a certain amount of money to work with and I believe he should explain to us where the extra funds are going to be cut because they are not in addition to the total amount. They are going to have to be taken from someplace else if this motion goes through. I think he should be able to tell us that.

DELEGATE McKEON: (Inaudible. Speakers not turned on.)

PRESIDENT GRAYBILL: Just a moment, Mr. McKeon. You can't have the floor unless someone asks you to yield, until your final speech.

Mr. Dahood.

DELEGATE DAHOOD: Mr. President, I am particularly concerned about the situation with respect to the secretaries. I know the secretary to one of the committees who is from my city of Anaconda and her capability is beyond question. It seems to me that within the Bill of Rights Committee we are very concerned about provisions and protections in connection with discrimination. If all the committee secretaries are doing the same work under circumstances where I assume they have the same capability, their salary structure should be equal. I think to try to point out one particular secretary and say that she should have something more because of some previous position, I do not think is logical in this situation. We are determining their capability and their quality, their ability to function with respect to the committee; they

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have equal responsibility; they have equal duties and I think their pay should be equal. I must confess, with respect to the research analysts, my position would be somewhat different. There, some have bachelor's degrees, some do not; some are doing graduate work. There I think the difference in excellence requires some difference with respect to compensation. Thank you, Mr. President.

PRESIDENT GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: Mr. President, has anyone raised the question why not reduce the rate of one, rather than raise the ten?

PRESIDENT GRAYBILL: You have, Mr. Scanlin. Is there further discussion? Amendments?

(No response)

Very well, Mr. McKeon, you may close on your motion.

DELEGATE McKEON: I may close first by saying that I didn't raise the question of lowering anybody's salary because I think that in both instances the salaries that the top people are getting are good salaries and I think they should be maintained. Were there more money in the budget I would like to see them all raised. However, I realize that isn't possible. I would like to parrot what Mr. Dahood said, and Mr. Dahood is chairman of the Bill of Rights Committee and is involved in these things. We must not base our employment on a theory of discrimination which, in effect, we have here.

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We have all come to this Convention Hall to write a document which we hope will be a lasting and tremendous document and will be a document that will mean something to the people. This will all be lip service unless we can begin our task of working for the people and against discrimination by eliminating the discriminatory provisions in this pay scale. I realize that--at least I feel that before we can begin the work of seeking a better life for the people of Montana, we must begin here and we must begin by raising these salaries. Thank you very much.

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. President, this Convention has five hundred thousand dollars. Nine weeks is a very short time. We have allowed for a possible ten weeks. We may not be able to get this job done in that time. We're going to need every dime we can get to complete this job for the people of Montana. These salaries are in line with what the legislature pays, in fact in many instances they are higher. They are in line with what business pays. In my opinion, Mr. McKeon's motion raises them out of proportion to what they should be. It jeopardizes the success of this Convention by reason of raising expenses unreasonably and I sincerely hope that this Convention adopts the committee report as submitted.

PRESIDENT GRAYBILL: Very well, the question is on Mr. McKeon's motion to amend Resolution Number Four by rais-

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ing the salary of Dick Spall, a research assistant, from thirty to thirty-six dollars and fourteen cents; and the salary of Chuck Sullivan, a research analyst, from thirty dollars to thirty-six dollars and fourteen cents; and to raise the salaries of one, two, three, four, five, six, seven, eight, nine--nine committee secretaries from twenty dollars to twenty-five dollars and thirty-nine cents. So many as are in favor of Mr. McKeon's motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it, and so ordered. We are back on the basic proposition, Mr. Cate, of adopting Mr. Toole's Administration Commission Resolution Number Four. That's the business before us. Now, do you have discussion on that business?

Mr. Cate.

DELEGATE CATE: Mr. President, I call for a division on that last vote.

PRESIDENT GRAYBILL: All right, I'll give you a division, but I did pause a long time and if we are going to have divisions, I want you to let me know. I don't want to go ahead with the next business. So we'll now take a division and I'll open the ballots. So many as in favor of Mr. McKeon's motion to raise these salaries, vote Aye. So many

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as are opposed, vote No. This is not a roll call vote--that is, it's not a recorded vote. Have all the Delegates voted?

(No response)

Does any Delegate wish to change his vote?

(No response)

If not, the ballot will be closed. The Ayes are twenty-six; the Noes are sixty-three. The vote failed. The amendment failed. Now we are on the order of business of adopting Resolution Number Four of the Administration Committee. Is there further discussion?

Mr. McNeil.

DELEGATE McNEIL: Mr. President, I rise to speak upon a principal that is very important to me personally. When I made similar comments in the presence of the Administrative Committee a couple of days ago, I found it was a quite unpopular cause but nevertheless, I feel that my conscience dictates I must make these comments. I wish that they could be made without concerning personalities. Unfortunately, since the comments will apply only to two individuals, that will not be possible. I assure you that there is no intention to even include personalities, as I have not even personally met our executive director, so that this is completely based on the principals involved. The justification--and I'm addressing myself now to the fact that our executive director and one research analyst are both receiving salaries, or pro-

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pose to receive salaries in excess of that paid to the Delegates. The justification of training, education, hard work, dedication and other comments that were put forth for these proposals to me seem equally applicable to every Delegate in this room. Our present Constitution says and the Supreme Court of Montana affirmed that the Delegates to this Convention shall be elected in the same manner as the house of representatives. Following that direction the elected representatives of the people of Montana fixed the combined salary and per diem of the Delegates at forty-five dollars per day. I believe it is fundamentally wrong for us now to sit down and adopt a budget and hire salaried employees at a greater pay scale than the delegates themselves. Now, everyone is unanimous in agreeing that the Commission did an outstanding job, probably the best in preparing any convention that has ever been held, in assembling data and research for this Convention. However, the Commission's work is done. It is finished and the sole responsibility is now in the hands of these Delegates to, in the language of the enabling act, revise, alter or amend the Constitution of Montana. And I cannot accept that, as these deliberations begin, that any salaried employee is more valuable than any single Delegate in this room. I therefore move to amend the budget as follows: That the maximum salary paid to any employee of the Convention not exceed forty-five dollars per day.

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PRESIDENT GRAYBILL: Mr. McNeil, will you send me a written copy of that? All right, there is an amendment to the Resolution Number Four to the effect that the maximum salary paid to any employee not exceed forty-five dollars per day, and that would include the executive director and the local government research analyst, and I believe that is all. Is there discussion on the amendment?

Mr. Toole.

DELEGATE TOOLE: Mr. President. Mr. McNeil, you are underpaid. Every Delegate in this room is underpaid. I trust that you did not run here for the money. I don't think I need to eulogize Dale Harris, the work that he's done to make this Convention possible, the work that he is continuing to do, the hours that he is putting in, his professional attainments. To reduce him to the figure you are talking about I think would result in chaos, the possibility of our losing him completely, and I shudder to think what that might result in. To me your proposal does not make sense. You just can't hire people like Dale Harris for forty-five dollars a day and we desperately need him. Now, with respect to Karen Holliday. She was the arrangements director under the Commission--

PRESIDENT GRAYBILL: Mr. Toole, may I interrupt you. The only other employee to which this applies is Jerry Holloran.

DELEGATE TOOLE: Oh, Jerry Holloran.

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PRESIDENT GRAYBILL: Right.

DELEGATE TOOLE: Jerry Holloran was assistant director. Jerry Holloran is in the same category as Dale Harris. Dale Harris--Jerry Holloran's responsibilities with the Commission were great. He has a background which is considerably greater than any of the other research analysts. We felt it improper to reduce his salary. We think he is being properly remunerated. We think he's worth the money. I hope that your--I hope that the Convention does not sustain your amendment.

PRESIDENT GRAYBILL: Mr. Anderson.

DELEGATE ANDERSON: I rise to resist the amendment. I think it is high time we examine ourselves and the work the committee has done on this thing and the efforts they have made to come out with the proper compensation for all these people within the bounds of the monies allotted to us and I ask your support of the committee by resisting this motion.

PRESIDENT GRAYBILL: Mr. Simon.

DELEGATE SIMON: Mr. President.

PRESIDENT GRAYBILL: Mr. Simon.

DELEGATE SIMON: Is this on?

PRESIDENT GRAYBILL: Yes. You're on.

DELEGATE SIMON: I would rise to resist the motion on several grounds. I believe that first we have to realize that the compensation for this group was set by the legisla-

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ture. Now, if it were true that the legislature--and we are under the same conditions, running under the same conditions as the legislature--if this body and this group, if we were in the legislative session, could not hire anybody in the state for more than twenty dollars a day because this has been set by the legislature. When the legislature goes into session it sets salaries for state officials and many, many other people higher than they themselves get in for their twenty dollars a day, plus their twenty-five for expenses. I would like to review with you for just a little bit the time it has taken to put this budget together. This has been in the making now for a number of weeks. I would like to call your attention to the fact that in the budget now of five hundred and five dollars and forty-eight cents we have already expended six thousand dollars of monies that we do not have appropriated. Now the additional money we are hoping to have from the standpoint of this budget is the difference between this budget and what was left over from the Commission. I would like to remind you that this money is not solid. At the first meeting of this group in Convention Hall--or, at Carroll College--it was suggested at that time that we might have thirty-five thousand dollars left over from the Commission. At the present time, the best report we can get, unauthorized because the books have not been closed, is possibly ten thousand dollars. It could well be, well be, that they

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would have nothing left and with this budget we are now almost six thousand dollars over the appropriation of four hundred and ninety-nine. It is very concerning to me that this body would start out trying to go through and have a deficit budget to prepare for someone to do something about at the end of this Convention. In closing, I would like to say that what the Delegates get, the forty-five dollars--twenty dollars salary and twenty-five expenses--it will be the people of Montana that makes the judgment of whether we earned our money or not. And I am not sure that we may have to account to the people of Montana on account of the Constitution we write. I hope that we can get along with this Convention. I hope that we can adopt this budget without further debate because it has been gone over carefully, not by hours but by days. Let's realize now that we are adopting a deficit budget. Thank you, Mr. President.

PRESIDENT GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, both of these gentlemen, Jerry Holloran and Dale Harris, I know them and in the Style and Drafting Committee meeting this morning, Mr. Harris came in and each time this man talks I am impressed with the amount of knowledge that he has in working with this Constitution, and the fact that these gentlemen are being paid more than I am, I could care less. I think they are well worth it to this Convention.

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PRESIDENT GRAYBILL: Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, I don't know what the bar schedule is over--our fee schedule is over in Lake County, but down in Yellowstone County--and it's two years old and it's way, way behind the medical schedule--it's thirty dollars an hour. And as we say down in Yellowstone County, that thirty dollars an hour is for widows and orphans. We left the Senate chamber Wednesday night when Mr. Unruh was here about fourteen minutes to twelve. Not only was the executive secretary there but other executive administrator, director, but other members of the staff. And the executive director was at a style meeting at eight A.M. this morning. I'd hate to be paying that man thirty dollars an hour, but he's worth thirty dollars an hour. And in this matter of--and as I told this--as I said at the budget hearing the other day, it isn't a matter that we're paying any of the staff more than we're getting, that their salaries are too high, rather it's that our salaries are too low. And I would like to make the point again, as I did the other day, for the benefit of those who weren't there at the budget meeting. This points out one of the reasons why we are here. We're getting the same salary as the legislature and the legislature is getting an average salary of twelve hundred dollars a year. The average in the United States is seven thousand and, as most of us now know, the people in California get nineteen thousand

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two hundred. Mr. Unruh suggested I think that we should be paying an annual salary to our representatives of no less than seventy-five hundred and, say up there in the range up to twelve thousand, and I strongly support that, that we should be paying them more money. And before we get to feeling too sorry for ourselves, I think everybody agrees that we are all here to--at great personal sacrifice. There is a gentleman here who ran as a Republican in the primary; he was defeated in the primary. I was very sad to see that. He is a very learned young gentleman. He is a great student of constitutional law in Yellowstone County, a member of the bar of the State of Montana. He's working for the press here at the great and high and glorious figure of one dollar less than the original members of the legislature were getting in 1890. They were getting, I think, six dollars a day, was it? He's working for five dollars a day. I strongly urge that the budget submitted by the committee be accepted. Thank you.

PRESIDENT GRAYBILL: Mr. Cate.

DELEGATE CATE: I move the previous question.

PRESIDENT GRAYBILL: All right, Mr. Cate has moved the previous question. We will vote on whether or not to vote on Mr. McNeil's amendment concerning the salaries. All those in favor of voting on the amendment signify by saying Aye.

DELEGATES: Aye.

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PRESIDENT GRAYBILL: Those opposed, Nay.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it and so ordered. All right, the vote is on Mr. McNeil's amendment that the maximum salary--this would be an amendment to Resolution Number Four, which is the resolution prescribing the titles and salaries of the Convention--that the maximum salary paid to any employee not exceed forty-five dollars per day. I take it to be the sense of the amendment that if it passes we would then lower the salaries of the two people who are over that to forty-five dollars a day. All those in favor of that amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Nays have it and the motion fails. Very well, the proposition then is on Resolution Number Four by the Administration Committee, the adoption of the resolution prescribing the title and salaries of Convention employees. Is there further discussion?

Mr. Arness.

DELEGATE ARNESS: Mr. President, I think this is a point of order. The motion previously made concerning the secretaries' salaries would preclude me from making a motion to increase their salaries to be all equal, I assume. Is that

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correct?

PRESIDENT GRAYBILL: Well--

DELEGATE ARNESS: There was a motion previously combined with another motion--

PRESIDENT GRAYBILL: Just a minute--

DELEGATE ARNESS: --to raise all their salaries.

PRESIDENT GRAYBILL: The Chair is going to rule that it would be the same motion. Now, if you wish to challenge the ruling of the Chair, you may.

DELEGATE ARNESS: I'll accept the ruling of the Chair, Mr. President, and make the following motion. I move that all committee secretaries be paid at the same rate, or at the prevailing rate to be paid to this class of employees and I make this motion as an amendment to the proposed resolution.

PRESIDENT GRAYBILL: Will you supply that to me in writing?

DELEGATE ARNESS: Yes. It is being handed to you, Mr. President. The obvious purpose, or the reason for the motion is to equalize this class of wage and--

PRESIDENT GRAYBILL: Now, Mr. Arness, may I discuss the form of your motion a minute?

DELEGATE ARNESS: Yes.

PRESIDENT GRAYBILL: You've got it in the alternative and I don't think we can do that. Do you want to say

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that they should all be paid at twenty dollars? Is that what you really mean?

DELEGATE ARNESS: Yes, Mr. President.

PRESIDENT GRAYBILL: Can we make it say that instead of this alternative, which might get us into a lot of trouble?

DELEGATE ARNESS: I will accept that amendment, Mr. President.

PRESIDENT GRAYBILL: Well, that's draftsmanship. It's not an amendment. All right, as I understand the sense of the amendment now, it is by Mr. Arness: I move that all committee secretaries be paid at twenty dollars per day. Is that satisfactory?

DELEGATE ARNESS: Yes, Mr. President. May I explain my motion?

PRESIDENT GRAYBILL: Yes, you may explain it. Go ahead.

DELEGATE ARNESS: Obviously, the motion as made is a very unpopular type of thing for any of us to do. I feel that, as the Delegates who spoke earlier, moving that the wages be raised, that we must not discriminate against this class of employee, and certainly I have no feelings against the individual who is being demoted in this fashion, but I feel it is incumbent upon us to do so and if we do not, that we can and would be severely criticized.

PRESIDENT GRAYBILL: Mr. Toole.

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DELEGATE TOOLE: I assume he is speaking of the salary of the committee--of the secretary of Revenue and Finance, twenty-five dollars and thirty-nine cents?

PRESIDENT GRAYBILL: Mr. Arness, do you want to yield to a question?

DELEGATE ARNESS: Yes, Mr. Toole, that is correct.

DELEGATE TOOLE: Mr. President, this young lady has worked for the Commission since its inception. She was arrangements director. She performed a variety of functions for the Commission. Through a series of circumstances which many of you are familiar with--it's been thoroughly outlined in the press--she was given a job of a committee secretary. She is capable of doing other jobs in the Convention when called upon do to so, and may be called upon to do so. We felt it was brutal. We felt it would be a slap on the face to a talented young lady to cut her back. We just didn't think it was morally right. That is the reason for that figure.

PRESIDENT GRAYBILL: Is there any other discussion of Mr. Arness' amendment?

(No response)

Very well, we will put Mr. Arness' amendment to the house. The amendment is that--it's to Resolution Four--and it affects committee secretaries and it is to the effect--to the following effect: All committee secretaries are to be

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paid at twenty dollars per day. It has the effect of lowering the Revenue and Finance secretary to the twenty dollars a day. All in favor of this amendment say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it and so ordered. Now we are back on the proposition of Resolution Number Four, the resolution prescribing the title and salaries of Convention employees. Is there further discussion of the resolution?

(No response)

PRESIDENT GRAYBILL: Very well, all those in favor of Resolution Number Four, prescribing the titles and salaries of Convention employees, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: As amended. All those opposed say No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it and Resolution Number Four has passed. Now we are back on Resolution Number Five, budget, and the budget is a resolution presented by the President and since the salary schedules have not changed there will be no need to change Item oh-one-one-two, and therefore I present Resolution Number Five as before, except that I

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will include in my--I'll read the nature of my resolution and I'll show you where it changes: (reading) Under the terms of Rule Six of the Convention Rules, the President hereby submits to the Convention the attached budget as the budget of the Convention. This budget will be reviewed every two weeks and the review reported to the Convention. (End reading.) To that, I have now added Mr. Schiltz's amendment: Provided, however, that of the monies budgeted for public information none thereof shall be expended for anything but factual reporting of the proceedings of the Convention. That is Resolution Number Five. Is there further discussion on Resolution Number Five? The budget.

Mr. Romney.

DELEGATE ROMNEY: Mr. President, I did not notice anything in the present statement of the budget concerning any overflow from the Convention--or, from the previous vehicle--and I understood at one time there was going to be some. I was wondering if that sum could not be entered into the next release?

PRESIDENT GRAYBILL: Well, since it is the budget, I'll explain it unless I hear objection. Mr. Toole did refer to the fact that five hundred five thousand and forty-eight dollars is over the four hundred ninety-nine thousand some-odd dollar appropriation and that the overage he expected to have covered by monies given back to this Convention from

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the Commission's work. Mr. Harris has explained to the budget committee that the figures are not yet finally available for how much will be available back because the printing is not all done. He has estimated it somewhere in the neighborhood of ten thousand dollars. That ten thousand will be necessary to cover the five thousand. Of course, when it is given back to the Commission--to the Convention--it will be included in one of our bi-weekly budget reports. Is there further discussion of the budget? Or the resolution? Very well, as many as shall be in favor of Resolution Number Five, a resolution of the Constitutional Convention of the State of Montana setting up the Convention budget, please signify by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as are opposed, No.

DELEGATES: (No audible response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Mr. Toole, I'll recognize you for Resolution Number Six.

DELEGATE TOOLE: Mr. President, Resolution Number Six is a resolution commonly adopted by the legislature which provides for a schedule of fees and distribution of Convention documents to various agencies, firms and individuals throughout the state. We have raised the prices for our documents as compared with the legislature because, as you know, the committee articles are going to be bulky, involve a great deal

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of printing and are going to be in great demand, we hope. This may represent some small some of money available to the Convention. I would urge the Delegates to look this over and I would move for its adoption at this time.

PRESIDENT GRAYBILL: Is there any question concerning Resolution Number Six, or any discussion or any amendments?

Mr. Furlong.

DELEGATE FURLONG: Mr. President, may I direct a question to Mr. Toole?

PRESIDENT GRAYBILL: Mr. Toole, will you yield?

DELEGATE TOOLE: Yes.

DELEGATE FURLONG: Delegate Toole, I understood yesterday that one copy of all the proceedings would be distributed to all county libraries in the state. Now, I don't find it in here although it may be one of these sections. I wonder if you would explain that.

DELEGATE TOOLE: I have the same impression, Mr. Furlong. Mr. President, was there a--do you remember that, Mr. President?

PRESIDENT GRAYBILL: That's certainly correct, yes.

DELEGATE FURLONG: Mr. President.

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Yes?

PRESIDENT GRAYBILL: That's right. What do you

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want to do, amend it or send it back to committee for further--

(At this point, Delegate Toole was talking over President Graybill, and neither remarks are able to be transcribed.)

DELEGATE TOOLE: --provide a copy to each library in the state, in accordance with Mr. Furlong's statement.

PRESIDENT GRAYBILL: Mr. Furlong.

DELEGATE FURLONG: Mr. President, I have just been informed by Delegate James that he has been assured that they will be sent. However, I would suggest to move to table this until we can get this hashed out.

PRESIDENT GRAYBILL: Well, rather than tabling it, why don't you refer it back. That's the famous motion to commit--a motion to commit it back to the Administration Committee for further action.

DELEGATE FURLONG: Mr. President, I move to commit.

PRESIDENT GRAYBILL: All right, a motion has been made to commit Resolution Number Six back to the Committee on Administration for the reason that it doesn't contain some of the materials that some of us recall were in the discussion yesterday. Mr. Furlong's resolution is before you. Is there any discussion of the resolution?

Mr. Simon.

DELEGATE SIMON: Couldn't that be covered in Section Six where it says the executive director shall distribute

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other copies of the Convention proceedings as directed by the Administration Committee? Wasn't he directed in that direction yesterday? Wouldn't it be covered under Number Six? Or couldn't it be covered?

PRESIDENT GRAYBILL: Well, Number Six, to my recollection, was the one that was designed to cover other state agencies that might apply.

DELEGATE SIMON: Well, Mr. President, it doesn't say that exactly--

PRESIDENT GRAYBILL: I see that's Number Four--

DELEGATE SIMON: --and it could be covered under that same section, could it not?

PRESIDENT GRAYBILL: Do you wish to refer that question to Mr. Toole or Mr. Furlong, Mr. Simon?

DELEGATE SIMON: Mr. Toole.

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Mr. President, Mr. Harris just advised me that under Section Six he intended to cover the libraries.

PRESIDENT GRAYBILL: All right, Mr. Furlong, the point seems to be that Mr. Harris intended that Section Six would allow him to make the distribution which we put in the minutes of the Administration Committee yesterday. In view of that, do you want to let your motion ride or do you want to withdraw it?

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DELEGATE FURLONG: Mr. President, if that's the sense of the assembly, I'll withdraw my motion.

PRESIDENT GRAYBILL: Very well, we'll consider the motion withdrawn.

Mr. James.

DELEGATE JAMES: Mr. President, this thing has already been activated. I was up and talked to the librarian, Mrs. Fontana, and she assures me that a hundred and twenty copies were sent out to all the various libraries around the state and to the universities. This has been one of the finest sources of these booklets. This has been a real information job, and if you wish information in your local community you can get it right from the horse's mouth in your public library.

PRESIDENT GRAYBILL: I think, Mr. James, that you are perhaps correct but the booklets that went out,went out under the Commission to the libraries and this resolution has the purpose of putting out our deliberations, beginning with our minutes and these matters that have been referred to committees. So, that's the distinction.

Mr. Joyce.

DELEGATE JOYCE: I rise to propose an amendment to Resolution Number Six in Section Six--

PRESIDENT GRAYBILL: Hold your mike up a little, please.

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DELEGATE JOYCE: I rise to present a motion--an amendment to Section Six of Resolution Six by adding after the word, distribute, in line twenty, the following words: a copy to the county libraries of the state and such.

PRESIDENT GRAYBILL: Could you make that public libraries instead of county?

DELEGATE JOYCE: Public--I'll--so that now Section Six, as amended, would read: The executive director shall distribute a copy to the public libraries of the state and such other copies of the Convention proceedings as directed by the Administration Committee.

PRESIDENT GRAYBILL: All right, Mr. Joyce has made an amendment to Section Six so that it reads: The executive director shall distribute--and then he's added these words--a copy to the public libraries and such--and then it goes on--other copies of convention proceedings as directed by the Administration Committee. May we make that copies instead of a copy? -- copies to the public libraries and such. I think we can get along without a written copy of that, Mr. Joyce. The purpose of this amendment is to put in the direction to send it to public libraries under Section Six. Discussion on the motion?

Mr. Romney.

DELEGATE ROMNEY: Mr. President, I would like to ask Delegate Joyce a question.

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PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE ROMNEY: It so happens that in some counties there are several public libraries. In Ravalli, there is one at Darby, one at Hamilton and one at Stevensville. It comes to my mind that possibly there are some counties that have no public libraries, I don't know. If that be the case, it seems to me there should be some language to make it possible to get at least one set into each county. What do you think?

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: I agree. I thought the amendment as finally boiled down would take care of the public libraries of the state. My purpose in making the amendment was egotistical in the sense that I thought perhaps this would take care of the matter and we could dispose of it here this morning without committing it back to the committee and having it brought up and hashed over again, and that was the purpose of my amendment. I think the amendment covers what Mr. Romney wishes to do and I don't--if it doesn't, why, I'd like him to point out wherein it doesn't.

PRESIDENT GRAYBILL: I don't wish to enter the debate but I would like to point out that, Mr. Romney, Section Five sends one to the clerk and recorder of every county. Is there further discussion on Mr. Joyce's--

Mrs. Warden.

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DELEGATE WARDEN: I would just like to say--and I'd better disclose my interests because it has been libraries for many years--the available, through the state library this service for any county in the state, any resident of any county that has no library, and I think there are probably nine or ten counties that fit in this category, but the state library serves as their public library and it is available by mail through that agency.

PRESIDENT GRAYBILL: Is there further discussion on the amendment? Mr. Romney, you have spoken once.

Mr. Hanson.

DELEGATE HANSON (ROBERT): I notice that the charge is a hundred and fifty dollars and if my memory serves me correctly, during the legislature the charge is a hundred. Is that correct?

PRESIDENT GRAYBILL: Why don't you ask the chairman?

DELEGATE HANSON: Do you yield to a question?

DELEGATE TOOLE: That's correct.

DELEGATE HANSON: So we'll be picking up an extra fifty dollars over what has normally been the case, is that right?

PRESIDENT GRAYBILL: The trouble is that we're paying for the printing and if we happened to be wrong, we would be losing so, in other words, we raised the price, yes.

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DELEGATE ROBERT HANSON: I just wanted to ask the question.

PRESIDENT GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: We are discussing the amendment of Mr. Joyce's right now. I would like to say a few words later on about the hundred and fifty dollars but we are not on that right now, are we?

PRESIDENT GRAYBILL: No, we're not. We were off the subject. You're correct. Any further discussion of the amendment to add the public libraries to subsection six? If not, all those--

Mrs. Speer.

DELEGATE SPEER: May I ask Mr. Joyce a question?

PRESIDENT GRAYBILL: Mr. Joyce?

DELEGATE JOYCE: Yes, you may.

DELEGATE SPEER: You say all public libraries. Would that include the libraries of the university system--

DELEGATE JOYCE: It was my intention--

DELEGATE SPEER: Those are institutional libraries, really.

DELEGATE JOYCE: It was my intention that it would, Mrs. Speer. If the language is inappropriate, I'd--

DELEGATES: Louder.

DELEGATE JOYCE: All right. It was my intention that it would cover the university libraries, Mrs. Speer, by

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the word public. Maybe we ought to read what we--what I finally did move. Maybe that would clarify the matter.

PRESIDENT GRAYBILL: You read: distribute copies to public libraries and such other copies, etcetera.

DELEGATE JOYCE: Is public necessary?

PRESIDENT GRAYBILL: Well, to clarify the debate, the executive director, under Six, has already been directed to give them to all the public libraries but if you want to put it in there, we can put it in there, and this amendment will put it in there and it will say public libraries, but, Mrs. Speer, if it's left out, the universities, I'm sure Dale will be directed to put it in for the universities under Six. Is there further questions--further discussion on this proposed amendment?

(No response)

PRESIDENT GRAYBILL: All right, the question is on Mr. Joyce's amendment to add the public libraries to Section Six of Resolution Six. All those in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it. Now we are back on Resolution Number Six.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I rise to just

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a question first of the chairman of the Administration Committee. I would like to have you give us a run-down on how you arrived at the figure of one hundred fifty dollars?

DELEGATE TOOLE: I thought I covered that, Joe. I think you've seen the books that the committees are going to have to put out. These books are thick. They contain maybe over a hundred pages. They are far greater than anything the legislature puts out. They are going to be extremely expensive to print. We think that a hundred and fifty dollars is a reasonable fee. Of course, when I speak of the books I'm speaking of everything else but the books are the main reason we raised it.

DELEGATE ESKILDSEN: Well, I'm sorry, I guess somewhere along the line I missed. I missed that report you had given before. The first I knew of a hundred and fifty dollars was when I see it on my desk here just a few moments ago. I do point out that the legislature charges a hundred dollars and I know the volumes of pages that are sent out to the schools. Not only the schools, but the libraries, attorneys and so forth they go to in the various counties of the state for a hundred dollars. I realize that it's a place to pick up some money, but as we talk about the people who are buying these copies, we are talking about various organizations--not only the large lobbyists that we do have that can well afford the hundred and fifty or maybe much more, but there are also

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many small lobbies, groups, that don't really have that type of money. I just want to be sure that this is--that it is absolutely necessary that we have this extra fifty dollars and that it's used to cover the cost of printing--that it's used to cover the cost of printing and we're just not trying to make a few bucks off the deal. In the legislature I felt that the hundred dollars was used to make a little money, that it didn't actually cost that much to mail this out, and I'd like to go over the figures a little closer on this. I'd like to have you explain them a little more, break them right down, what each thing costs, so I'll know whether the hundred and fifty dollars is really necessary. I just don't want a general explanation. I'd like to have you break it right down into how much you figure each item will cost.

DELEGATE TOOLE: I don't have those figures, Mr. Eskildsen. I couldn't break it down at this time. I'll be glad to get them for you and justify them when I have time.

DELEGATE ESKILDSEN: Well, Mr. President, the justification may be all and good, but what if I don't agree and it's already too late to reconsider. This is the point I'm bringing. The justification should be made before we vote, not after. I feel that I would like to have an opportunity to meet before the committee, Mr. President, so for that reason I move that we place this resolution back in the Administration Committee and give us an opportunity to meet with the

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administration once more on this.

PRESIDENT GRAYBILL: Have you moved that it be--

DELEGATE ESKILDSEN: I moved--I so move, Mr. President.

PRESIDENT GRAYBILL: --that it be referred back to the committee on--

DELEGATE ESKILDSEN: Administration.

PRESIDENT GRAYBILL: --Administration. All right, we have a motion to refer Resolution Number Six back to the committee on Administration by Mr. Eskildsen. Any discussion of the motion?

(No response)

PRESIDENT GRAYBILL: All right, all those in favor of referring Resolution Number Six back to the committee on Administration please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it.

DELEGATE ESKILDSEN: Division.

PRESIDENT GRAYBILL: All right, we'll have a division. We'll vote on the voting machine. The votes are open. All those in favor of referring it back, vote Aye. Those against voting it back, vote No. Before the vote is closed, Mr. Holland, do you wish to be represented as present upon

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the journal?

DELEGATE HOLLAND: Please, Mr. President.

PRESIDENT GRAYBILL: Very well, will the journal please show Mr. Holland present and he may vote. All right, have all the Delegates voted?

(No response)

PRESIDENT GRAYBILL: Does any Delegate wish to change his vote?

(No response)

PRESIDENT GRAYBILL: The vote is closed. The vote is thirty-three Aye and fifty-five No, and the motion fails. Thirty-one Aye and fifty-five No, so it fails. Therefore, we are back on Resolution Six.

Mr. Romney.

DELEGATE ROMNEY: I fail to find anything in here which would provide that each Delegate get one copy.

PRESIDENT GRAYBILL: Well, Mr. Romney, each Delegate gets a copy delivered to him daily and he doesn't have to pay for them. This is to provide for the dissemination outside the Convention, or beyond us. I'm sure that's the sense of it. That's the way it was discussed, but if you want to raise that issue, fine.

DELEGATE ROMNEY: Well, of course the Delegate can take care of that situation by seeing that he gets one himself because he has the possibility of disseminating two cop-

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ies. However, when this Convention is terminated and we go home, after perhaps some issues are acrimonious and debatable, I am sure that Delegates are going to find that there will be times when they will challenged as to how they voted or how somebody else voted on some of these issues. Now, I know that is true from the past and the House and Senate Journals are invaluable on such occasions. So, I think that every Delegate should be warned, if they don't get a copy, they see that they get one where they can have it available to them very readily. Of course, I know that you can run up to the county clerk and recorder's office or over to the library and have access to them that way. But this is something you are going to have to face and I think everyone should be warned about it.

PRESIDENT GRAYBILL: Is there further discussion? Mr. Hanson.

DELEGATE ROBERT HANSON: Well, I was just looking at this and I was wondering, when the money is collected, where does it go?

PRESIDENT GRAYBILL: Would you please ask again?

DELEGATE ROBERT HANSON: Where does the money that's raised from the sale of this--where do these funds go?

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE ROBERT HANSON: How are they accounted for?

DELEGATE TOOLE: The question is, where do the funds

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go? They go into the Convention budget.

DELEGATE ROBERT HANSON: And they're accounted for through the bookkeeper's office?

DELEGATE TOOLE: To be free for us to spend them.

DELEGATE ROBERT HANSON: So actually, then, our budget of five hundred and five thousand could be enlarged a little bit through--

DELEGATE TOOLE: A little bit.

DELEGATE ROBERT HANSON: --from this income source.

DELEGATE TOOLE: A little bit.

PRESIDENT GRAYBILL: Is there further discussion of this proposed resolution?

(No response)

PRESIDENT GRAYBILL: Very well, all in favor of Resolution Number Six, as amended to include the public libraries, calling for distribution of the Convention proceedings outside the Convention, please indicate by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it. Mr. Toole, the Chair will recognize the chairman of the Committee on Administration and would ask leave or, without objection, would revert to Order of Business Number One, Committee Reports, so that we may finally adopt Mr. Toole's committee report which

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contained the staff, budget and documents matters we have now handled by resolution. Mr. Toole.

DELEGATE TOOLE: Mr. President, I request that we revert to Order of Business Number One and I would like to move for the adoption of the report of the Committee on Administration, as amended.

PRESIDENT GRAYBILL: The report of the Committee on Administration was given to you the other day and does include references to this staff matter and to the budget and to the documents, and if there is further discussion on the report at this time, fine; otherwise, we'll adopt the report.

(No response)

PRESIDENT GRAYBILL: So many as shall be in favor of adopting the report of the Committee on Administration, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. Order of Business Number Eight.

Mr. Clerk.

CLERK HANSON: Mr. Champoux on Order of Business Number Eight.

PRESIDENT GRAYBILL: We want to take up page introductions today under Order of Business Number Eight.

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Mr. Champoux.

DELEGATE CHAMPOUX: Thank you, Mr. President. At this time I would like to present the pages who have served us this week. They surely have done one great job. I will announce the girls first. Each one will stand and then one of the pages will come to the mike at the first chair there--

PRESIDENT GRAYBILL: Mr. Arness.

DELEGATE CHAMPOUX: --and will thank the Convention. The first one is Ada Berg from Bozeman. Is she here? She'll be here in a minute.

PRESIDENT GRAYBILL: We'll have a call of the--get Miss Berg in here if she's out in the hall there. Can we get a page to go after the page?

DELEGATE CHAMPOUX: Heidi Headapohl from Helena; Clary Reichert from Great Falls. Would you come forward, Clary, please? Colleen Barnard from Saco; Karen Eck from Helena; James Ramleau from Whitefish; Curt Alt from Butte. Could we make arrangements, Mr. President, to have a copy of the record within these? I would hope that these names would be inserted in the official record and a copy sent to--

PRESIDENT GRAYBILL: In the journal.

DELEGATE CHAMPOUX: In the journal, yes--copies sent to these people so when they get older and have children and grandchildren they can show that they were here when we did this great work. How about a great hand for them?

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(Applause)

PAGE : Well, I'd just like to say-- does this thing work? O.K., that's not what I wanted to say, but I wanted to say for all of us how much we enjoyed this week. You know, just getting to know all the Delegates and all the staff members, and how much we appreciate being a part of it, even if it was just for a week. We want to say that we're here to help you and we know that you're here to help people, too, by giving them a better Constitution and we wish you luck. Thank you.

PRESIDENT GRAYBILL: I'd like to ask that the Clerk see that copies of the journal are gotten to Mr. Loman. Mr Loman, you're in the hall, and we'd like copies of the journal for today, containing their names, mailed to these pages after they go home and we will try to do this each week.

Mr. Champoux.

DELEGATE CHAMPOUX: The lady working is Miss Ada Berg, right there.

PRESIDENT GRAYBILL: There she is.

(Applause)

PRESIDENT GRAYBILL: Very well, we'll be at ease here for a moment while we change the tape.

(Convention at ease at 11:45 A.M.

Proceedings resumed at 11:50 A.M.)

PRESIDENT GRAYBILL: Will the Convention be in

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order? Order of Business Number Nine, Special Orders.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Ten, General Orders.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Eleven, Committee Announcements and Notices. Before we get to committee announcements, the Chair would like to make the following announcements. First of all, Dale Harris has asked me to point out to you that on the weekend, and that's on Saturday or Sunday, most of the doors of the Capitol are locked. The door on the oval in back is generally open and the other front door underneath on the first floor is often open, or you can generally attract the guard to let you in at those two doors. That's on Saturdays. Now, we are making arrangements--at least, Mr. Harris and I are asking Capitol custodians to make other arrangements for a week from tomorrow because, obviously, we'll be in session. But in any event, if you find the doors unopened that you want, try those two middle doors on each side, preferably in the back. Secondly, Mr. Harris wants me to announce that a stenographer will be available in the steno pool on Monday. Third, the Rules Committee wants to announce that the rules booklet will be printed and out for everyone by Monday. You have already heard the announcement of a meeting Tuesday at seven-thirty in the highway

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commission auditorium where people may view the public information films from other states. Now, are there committee announcements?

Mr. Aasheim.

DELEGATE AASHEIM: I wish to announce to the Delegates--all the Delegates--that the Legislative Committee is having a public hearing Monday at ten o'clock in this chamber. I hope you aren't too critical of us for calling it here rather than in the Senate chamber. We felt there would be too much conflict, but we feel this is more available for the public--they would be more free to discuss the issues. Now, this is going to be a major hearing and probably will be more informative than one later on because I see we are going to have a whole day, and longer if we need it, and we have considerable testimony coming. And we are going to discuss, or have discussed, the whole legislative article, and we encourage you to come and if you want to invite any other people at home, we encourage you do to so, because the way I look at our schedule we might not have as much time later on. And to my committee, the Legislative Committee, we will meet at one-thirty this afternoon.

PRESIDENT GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. President, the General Government Committee will meet at one o'clock in Room 410.

PRESIDENT GRAYBILL: General Government at one

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o'clock. Mr. Champoux.

DELEGATE CHAMPOUX: Education Committee will meet at one o'clock in Room 436.

PRESIDENT GRAYBILL: Education Committee at one o'clock. Mr. Dahood.

DELEGATE DAHOOD: Bill of Rights at one-thirty.

PRESIDENT GRAYBILL: Bill of Rights at one-thirty. Mr. Rygg.

DELEGATE RYGG: Revenue and Finance at one forty-five.

PRESIDENT GRAYBILL: Revenue and Finance at one forty-five. Mr. Toole.

DELEGATE TOOLE: Public Information in the foyer outside Convention Hall right after adjournment.

PRESIDENT GRAYBILL: Public Information in the foyer after adjournment. Mrs. Cross.

DELEGATE CROSS: Natural Resources at one-thirty this afternoon.

PRESIDENT GRAYBILL: Natural Resources Committee at one-thirty today. Mr. Joyce.

DELEGATE JOYCE: Executive Committee at two o'clock in the committee room.

PRESIDENT GRAYBILL: Executive Committee at two o'clock this afternoon. Mr. Schiltz.

DELEGATE SCHILTZ: I don't see anybody here for the

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Judiciary but we're continuing a hearing at one o'clock in the Senate.

PRESIDENT GRAYBILL: Judiciary is continuing a hearing at one o'clock in the Senate, today. Mrs. Blend.

DELEGATE BLEND: Local Government will meet at one thirty this afternoon.

PRESIDENT GRAYBILL: Local Government at one thirty this afternoon. Other committee announcements? Let's see-- Mr. Heliker.

DELEGATE HELIKER: This is not a committee announcement, Mr. President. Is it in order?

PRESIDENT GRAYBILL: Is it an announcement?

DELEGATE HELIKER: Yes.

PRESIDENT GRAYBILL: O.K.

DELEGATE HELIKER: I would like to announce that copies of Ellis Waldron's article on legislature are available and printed not at public expense. You may pick them up and take them home with you this weekend if you're going home. I believe Mrs. Bugbee has them over there on her desk. I hope Mr. Schiltz will not object that, since you are being paid mileage, that they are being distributed at public expense.

PRESIDENT GRAYBILL: All right, Mr. Waldron's treatise on the legislature is in the cardboard box on Mrs. Bugbee's desk. Other announcements?

(No response)

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PRESIDENT GRAYBILL: All right, seeing none, I'll call on Mr. Eskildsen for a special announcement. Please listen to this.

DELEGATE ESKILDSEN: Mr. President, members of the Convention, before I make the motion to recess, I'd like to make a short announcement. Beginning next week, sometime when it's convenient--at the convenience of the full chamber, we will have an information meeting on procedure, and so forth, on how meetings are conducted, and any of those who wish to attend, it will be at the time when we won't be on the journal and we'll go through the whole procedure and we'll finally understand more what we're doing. We are now all more relaxed and have a general idea of how the Convention is going to be run and so it will probably work out better at this time. Mr. President, I move, pursuant to the general powers vested in the Montana Constitution Convention, and in accordance with the provisions of Section 7-6 of the Enabling Act, Chapter 296, Laws of 1971, the Montana Constitution Convention shall recess temporarily until nine-thirty, A.M., on Tuesday, January twenty-fifth, 1972.

PRESIDENT GRAYBILL: Very well, you've heard a motion to recess the Convention until Tuesday morning at nine-thirty. Now, first of all, notice that we changed the time to nine-thirty for next week. We intend to start the general sessions at nine-thirty next week to give you a little more

time in the morning for committee meetings. Secondly, on each weekend we will adjourn--or, we will recess the Convention in this form over the weekend to establish properly the five-day week for our pay period and to distinguish ourselves from the legislature who pays differently. Having heard the motion to recess until Tuesday morning, all those in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Those opposed, No.

DELEGATES: (No response)

PRESIDENT GRAYBILL: So ordered. We are in recess.

(Recess at 11:56 A.M., Friday, January 21, 1972)

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MONTANA CONSTITUTIONAL CONVENTION

NINTH DAY

January 25, 1972 Convention Hall

9:35 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will come to order. Let's rise for the Invocation by Reverend Burkhardt.

REVEREND BURKHARDT: Let us pray. We ask guidance, Oh God, for the work of the day, that somehow we may be open to hear eachother, and to hear from those in our state with vital concerns. Though the sub-zero temperatures are binding us close, grant that some kind of Chinook may come through our minds and hearts, giving us a real openness to eachother. Amen.

PRESIDENT GRAYBILL: The voting machine is open for roll call. Will the Clerk show Mr. Heliker as excused, Mrs. Cain as excused, Carl Davis as excused, and Robert Kelleher as excused, and Arbanas as excused. Do you want to call the absent members and see if anyone here knows about them?

CLERK SMITH: Anderson. Brown.

PRESIDENT GRAYBILL: Is that all?

CLERK SMITH: Yes, sir.

PRESIDENT GRAYBILL: All right, we'll close it. Please take the roll call. Just a moment, now, I should have asked you to vote Aye if you're present; you can't vote No, so we're now going to do it over again. I will open

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the ballot and you may now vote. Present by voting "Aye." Do you want to call the names of the absent members again?

CLERK SMITH: Anderson

PRESIDENT GRAYBILL: Very well. Now take the roll call by machine.

Aasheim - Present	Burkhardt - Present
Anderson, J. - Present	Cain - Excused
Anderson, O. - Absent	Campbell - Present
Arbanas - Excused	Cate - Present
Arness - Present	Champoux - Present
Aronow - Present	Choate - Present
Artz - Present	Conover - Present
Ask - Present	Cross - Present
Babcock - Present	Dahood - Present
Barnard - Present	Davis - Excused
Bates - Present	Delaney - Present
Belcher - Present	Driscoll - Present
Berg - Present	Drum - Present
Berthelson - Present	Eck - Present
Blaylock - Present	Erdmann - Present
Blend - Present	Eskildsen - Present
Bowman - Present	Etchart - Present
Brazier - Present	Felt - Present
Brown - Present	Foster - Present
Bugbee - Present	Furlong - Present

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1	Garlington	- Present	McDonough	-	Present
2	Graybill	- Present	McKeon	-	Present
3	Gysler	- Present	McNeil	-	Present
4	Habedank	- Present	Melvin	-	Present
5	Hanson, R. S.	- Present	Monroe	-	Present
6	Hanson, R.	- Present	Murray	-	Present
7	Harbaugh	- Present	Noble	-	Present
8	Harlow	- Present	Nutting	-	Present
9	Harper	- Present	Payne	-	Present
10	Harrington	- Present	Pemberton	-	Present
11	Heliker	- Excused	Rebal	-	Present
12	Holland	- Present	Reichert	-	Present
13	Jacobson	- Present	Robinson	-	Present
14	James	- Present	Roeder	-	Present
15	Johnson	- Present	Rollins	-	Present
16	Joyce	- Present	Romney	-	Present
17	Kamhoot	- Present	Rygg	-	Present
18	Kelleher	- Excused	Scanlin	-	Present
19	Leuthold	- Present	Schiltz	-	Present
20	Loendorf	- Present	Siderius	-	Present
21	Lorello	- Present	Simon	-	Present
22	Mahoney	- Present	Skari	-	Present
23	Mansfield	- Present	Sparks	-	Present
24	Martin	- Present	Speer	-	Present
25	McCarvel	- Present	Studer	-	Present

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Sullivan	-	Present	Wagner	-	Present
Swanberg	-	Present	Ward	-	Present
Toole	-	Present	Warden	-	Present
Van Buskirk	-	Present	Wilson	-	Present
Vermillion	-	Present	Woodmansey	-	Present

CLERK SMITH: Mr. President, 94 present, 5 excused, one absent.

PRESIDENT GRAYBILL: Very well, let the journal so show. Now, Reports of Standing Committees?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Reports of Select Committees?

CLERK SMITH: None, Sir.

PRESIDENT GRAYBILL: Communications?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Referral of Delegate Proposals?

CLERK SMITH: Delegate Proposal Number Sixteen. A proposal for a Constitutional section regulating earmarking of state revenues. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Blend.

PRESIDENT GRAYBILL: Revenue and Finance for Number Sixteen.

CLERK SMITH: Delegate Proposal Number Seventeen. A proposal repealing Article XVI, Section 4, of the Constitution of the State of Montana, and adding a new section providing for the election of boards of county commissioners. Be

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it proposed by the Constitutional Convention of the State of Montana. Introduced by Jacobson.

PRESIDENT GRAYBILL: Seventeen to Local Government.

CLERK SMITH: Delegate Proposal Number Eighteen. A proposal for a new Constitutional section relating to the right to counsel. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Cate, Cambell and Champoux.

PRESIDENT GRAYBILL: Eighteen to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Nineteen. A proposal amending Article V, Section 6, of the Constitution of the State of Montana, to change the meeting date of the legislature from the first Monday of January to the first Monday of February. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Miles Romney.

PRESIDENT GRAYBILL: Number Nineteen to Legislative.

CLERK SMITH: Delegate Proposal Number Twenty. A proposal for a new Constitutional Article, providing a public policy of a quality environment. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by McNeil.

PRESIDENT GRAYBILL: Number Twenty to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Twenty-one. A proposal for a new section to Article III, Bill of Rights,

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of the Constitution of the State of Montana, guarantying an individual's right to a quality environment. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by McNeil.

PRESIDENT GRAYBILL: Number Twenty-one to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Twenty-two. A proposal for a new Constitutional Article vesting legislative powers in a unicameral legislature. Be it proposed by the Constitutional Convention of the State of Montana.

PRESIDENT GRAYBILL: Number Twenty-two to Legislative.

CLERK SMITH: Introduced by Arlyne Reichert and others.

PRESIDENT GRAYBILL: Legislative.

CLERK SMITH: Delegate Proposal Number Twenty-three. A proposal for a new Constitutional section providing for full state funding of welfare. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Blend.

PRESIDENT GRAYBILL: Number Twenty-three to both Local Government and Revenue and Finance jointly.

CLERK SMITH: Delegate Proposal Number Twenty-four. A proposal repealing Article IX, Section 2, of the Constitution of the State of Montana. Be it proposed by the

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Constitutional Convention of the State of Montana. Introduced by Choate.

PRESIDENT GRAYBILL: Number Twenty-four to General Government.

CLERK SMITH: Delegate Proposal Number Twenty-five. A proposal amending Article VII, Section 12, of the Constitution of the State of Montana, to provide the legislature with the opportunity to override gubernatorial vetoes. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Blaylock and others.

PRESIDENT GRAYBILL: Number Twenty-five to Legislative and Executive jointly.

CLERK SMITH: Delegate Proposal Number Twenty-six. A proposal for a new Constitutional Article to provide boundaries for the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Brown.

PRESIDENT GRAYBILL: Number Twenty-six to General Government.

CLERK SMITH: Delegate Proposal Number Twenty-seven. A proposal amending Article IX, Section 9, of the Constitution of the State of Montana, providing for a majority rather than two-thirds vote for legislative Constitutional amendments; providing for Constitutional amendments by the people, and prohibiting executive veto of proposed amendments. Be it

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proposed by the Constitutional Convention of the State of Montana. Introduced by Mahoney.

PRESIDENT GRAYBILL: Number Twenty-seven to General Government.

CLERK SMITH: Delegate Proposal Number Twenty-eight. A proposal for a new Constitutional section, providing for legislative authorization of gambling. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Belcher.

PRESIDENT GRAYBILL: Number Twenty-eight to General Government. There is no order of business number Six, Final Consideration of Proposals?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: That's number Five. Number Six, Adoption of Proposed Constitution, none?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Seven, Motions and Resolutions?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Eight, Unfinished Business? Mr. Aasheim, you have a matter that I believe you could take up at this time.

DELEGATE AASHEIM: Mr. President, I believe we should be on Motions for my presentation.

PRESIDENT GRAYBILL: Very well, without hearing any

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objections, we will revert back to order of business Number Seven, Motions.

DELEGATE AASHEIM: Mr. President and Delegates, yesterday we had a hearing on the legislative Article in this chamber. It was very successful. We had a good hearing. I want to apologize to you people who were deprived of your desks in the process, but it is a very good place to have a hearing. It is more informal and the people are more at ease who are presenting a case. So at this time I would like to move that the public hearings which are held in the evening at seven o'clock or otherwise -- I'll just amend my motion -- that the public hearings which are held in the evenings will be held in Convention Hall.

PRESIDENT GRAYBILL: Very well. The issue, then, that Mr. Aasheim wishes to present by this motion is whether or not we should hold hearings, schedule hearings -- now this means major hearings with the public invited -- in this hall, and the issue is, he's restricting it in his motion to evening meetings; but it does mean that (a) if you wanted to use your desk in the evening, you couldn't, and (b) you run some little risk of having somebody disturb your papers. However, you've heard his argument. Is there discussion on the motion to allow Convention Hall to be used in the evenings for hearings? Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, did you, Magnus,

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use the word "shall" or "may?" Some of the Chairmen may not want to hold their hearing here for some reason or other; it may not be that large. Did you say "shall," they "shall" hold it here?

DELEGATE AASHEIM: I don't recall, but I would amend it to "may," at the discretion of the coordinating committees.

PRESIDENT GRAYBILL: Mr. Aasheim, while we're debating it, why don't you write it up there at your desk and then we'll have it on a piece of paper. Is there further discussion on the issue of whether or not to use Convention Hall in the evenings for committee hearings? Mr. Mahoney.

DELEGATE MAHONEY: I think that was very nice yesterday and I could get away from my desk, and I think you shouldn't limit this to evenings, I think the off days when the Convention is not is session, maybe like yesterday, and Mondays, I think it would be all right as far as I'm concerned, to make it in the off days, because we may have Sunday hearings, too, and this is a good place, the best place in the Capitol Building or anything around here, to be heard at.

PRESIDENT GRAYBILL: Very well. Other discussion? All right, I guess we're ready to vote on that motion, Mr. Aasheim. I guess we'll wait a moment until he formulates it. Mr. Choate.

DELEGATE CHOATE: Mr. President, I suggest that we clear the board from our roll call vote before we take this

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vote. The lights had still been on.

PRESIDENT GRAYBILL: Mr. Felt.

DELEGATE FELT: I would certainly agree with the suggestion that Mr. Aasheim is proposing, and I think it is very fine for us to act upon it. I suppose that actually, in our Rules, we have delegated control over the use of this facility, I think, to the President of the Convention and that it would normally be available for use by any committee with the consent and approval of the President. So this might be more in the nature of expressing the sense of the membership to confirming that type of delegation of authority, and yet I don't know just what wording he is going to come out with. There was some wording about the concurrence of some group, which I would think just might be made the concurrence of the President of the Convention.

PRESIDENT GRAYBILL: All right. We'll take it that the sense of the motion is this: I move that public hearings be held in Convention Hall at the discretion of the President. I further move that the first ten rows be -- the first two rows be retained for the committee. You are referring to when a hearing is held, you want the first two rows to be retained for the Committee to sit in. All right, that's the sense of the motion. I think you are correct, Mr. Felt, but because people do have desks here that they like to use, we certainly want to get permission if we are going to do this

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on a regular basis. Note that Mr. Aasheim has changed the motion. I move that public hearings be held in the Convention Hall at the discretion of the President. That is not now limited to night time, but it is limited to the discretion of myself, and I will, of course, work with Baucus, the Committee Coordinator, in scheduling hearings. Now is there further discussion? I move that public hearings be held in the Convention Hall at the discretion of the President. I further move that the first two rows be retained for the Committee. Any further discussion of this motion in this form? (no response) All right, all those in favor of the motion say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

(No response)

PRESIDENT GRAYBILL: So ordered. Mr. Martin.

DELEGATE MARTIN: My parlimentary advisor advises me this is the point where I might bring this up. At the request of several Delegates, Mrs. Fallon, the printing clerk, and Dale have gotten some estimates for the imprinting of letterheads of the members' names, and we have some prices, and if they want information about that, they can get it. The prices, I might say, the Helena Letter Shop has quoted a price of five dollars. That is for imprinting the names on letterheads.

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PRESIDENT GRAYBILL: That's per ream? Per box?

DELEGATE MARTIN: Per box, yes. State Publishing is a little higher, twelve ninety. Thurber Printing is ten thirty-five. At Livingston it was ten dollars and seventy cents. So you get an idea of what you can do and what you can't do. And while I'm on the floor, I wonder if I might have another moment to make --

PRESIDENT GRAYBILL: To clear up that first point, I take it that they may see the printing clerk or yourself?

DELEGATE MARTIN: No, they can go directly. I don't think the printing clerk has the time. They may go directly to the Helena Letter Shop, 11 Placer Avenue, or they could telephone them and make whatever arrangements they may like.

PRESIDENT GRAYBILL: Helena Letter Shop was five dollars.

DELEGATE MARTIN: If anyone wants to see -- wants a copy of the letterhead imprinting that I had, I'll be glad to show it to you.

PRESIDENT GRAYBILL: Very well. Now your next matter.

DELEGATE MARTIN: It's a sort of a little bit off the record and out of the Journal. I would like to --

PRESIDENT GRAYBILL: Oh, no, now we're not going off the record and out of the Journal, Mr. Martin, but go

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ahead.

DELEGATE MARTIN: We have a gentleman, and I think it's the sense of the Convention that silence and brevity will speed up the operation a little bit. We have a gentleman here who, Friday, made a vow and kept it, and that was that he wasn't going to open his mouth. And I should like, at this time, to present to Delegate Mahoney this symbol. It's a little gift from my granddaughter.

PRESIDENT GRAYBILL: Do you want to describe it?

DELEGATE MARTIN: It's a little dwarf and it says on it, "Love America," and then across the face is a flag, "Keep your mouth shut."

(Applause)

PRESIDENT GRAYBILL: Mr. Mahoney, would you like to break your resolution of Friday?

DELEGATE MAHONEY: The resolution was only for Friday. I want to thank you very much, Fred, for this, and I am trying my best and there is nothing I would rather have than to have my mouth sealed up with an American flag.

(Applause)

DELEGATE MARTIN: One string that goes with that -- I'll have to have it back after the session.

PRESIDENT GRAYBILL: Mr. Mahoney, I'm sure that the entire house thanks you for the resolution to keep your mouth shut every Friday. Thank you. All right. We're on order of

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Business Number Ten, General Orders, there's none, is that right?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: So now we're down to Announcements. Before we go to Announcements, or before we start announcing committee assignments, I would like to point out that we did scrape up a daily schedule today and we will have it in a little better form by tomorrow, but you do have your daily schedule and Max Baucus is seeing to it that on the bottom of the daily schedule the committee hearings for that day are described. At least they are described that way if you have gotten the information to him and on the bulletin board. So I would think it would be unnecessary for Committee Chairmen to stand and announce anything that is on the daily Convention schedule. So please, from now on, refer to your daily Convention schedules for your committee hearings for the day. That does not mean that Committee Chairmen are not privileged to announce other meetings than shown there or announce future meetings if they are of sufficient importance; but I merely want to avoid the repetitious announcing of things that are already on your daily schedule. Now next, Mr. Eskildsen.

DELEGATE ESKILDSEN: Members of the Convention: For the Chairmen, I would like to announce that tomorrow, immediately on adjournment, we will have an informal presentation

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by some of the more learned gentlemen here, Charlie Mahoney and Jim Felt and Don Nutting and Marshall Murray and myself, and we will run through, slowly, the various rules and movements that take place on the Convention floor. Any of you who wish to attend are certainly invited. We are doing this so it will off the record and out of the Journal, so to speak; it won't be printed. So I would like to announce to the Chairmen now, if possible, that you wouldn't call your meetings tomorrow until 10:30.

PRESIDENT GRAYBILL: Very well. Now this parliamentary session is open to everyone, not just Committee Chairmen, but you Committee Chairman will try to get started by -- try to get through by 9:45 tomorrow and they will try and get through by 10:30 for you, so that might help you a little bit tomorrow if your members want to attend that. Mr. Toole, did you have an announcement?

DELEGATE TOOLE: Public Information Committee tomorrow morning, 8:00, Room 433.

PRESIDENT GRAYBILL: And I think, Mr. Toole, we should reannounce that tonight at 7:30, in the Highway Commission Auditorium, is that right?

DELEGATE TOOLE: Mrs. Warden will make that announcement.

PRESIDENT GRAYBILL: All right, Mrs. Warden.

DELEGATE WARDEN: In the Highway Auditorium tonight

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at 7:30, will be the showing of the film of the Illinois and Pennsylvania Conventions. After this, I would like the members of the Public Information Committee to stay because there will be some more films that they will need to know about. These two showings are open to the public and to the Delegates.

PRESIDENT GRAYBILL: Very well. That's tonight at the Highway. Now one other announcement. You'll notice that you have been given on your desks an announcement of a women's luncheon for your wives tomorrow noon. I only call this to your attention and ask that you check with your wife, if necessary by phone, because they do want an early count for reservations. So please take it upon yourself if you have a wife here to take care of this so that reservations can be adequately made.

CLERK SMITH: I have been asked by Mr. Holland to announce that there will be a Judiciary Committee meeting ten minutes after adjournment today. In what room is that, Mr. Holland?

DELEGATE HOLLAND: 423A.

PRESIDENT GRAYBILL: 423A. And I would like to make one other announcement. Sam Gilluly, the head of the Historical Society, called me and you are all aware that you have gotten a formal invitation to the Historical Society's big night on Thursday night, and he is somewhat concerned

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you Committee Chairmen, less someone schedule committee hearings during his Historical Society show, and he asked me to call to your special attention that they have gone to some great pains to put on a very good evening for us there, and he would like to remind you all of it and remind you Chairmen that perhaps this is a significant event and should not be conflicted with. He also made the point to me clearly and I don't know if we can get the word out in this room but we will try otherwise, but the staff is also invited to this Historical Society open house on Thursday night. Now are there other announcements? Mr. Champoux.

DELEGATE CHAMPOUX: Education Committee ten minutes after adjournment of this meeting, please.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Executive Committee ten minutes after adjournment in the committee room.

PRESIDENT GRAYBILL: Mr. Ward.

DELEGATE WARD: Public Health, Welfare and Labor at 10:00 this morning, or right on adjournment, and this evening at 8:00 P.M. on non-municipal corporations.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, Rules Committee 9:00 in the morning. And one other matter, if I might, please. There was a radio report this morning that the weather is not too good in the Kalispell area. I seem to recall in the

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recent past a little publicity in the centerfold of Life Magazine about one of our leading Montana cities and a little information in recent newspapers about the seat of our FBI in the State of Montana as being somewhat of a place to go or not to go, and I only want to report that in spite of the weather in Kalispell, and the chill factor is minus seventy degrees today and the schools are not in attendance, that Family Circle magazine, one of our leading national magazines, reports that the City of Kalispell and the Kalispell area is one of the eighteen most economical and best places in the United States in which to live. We thought that the Convention should know that.

(Applause)

PRESIDENT GRAYBILL: Thank you for that important announcement, Mr. Murray. Are there other announcements? Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move that the Convention stand adjourned until Wednesday, January 26th.

PRESIDENT GRAYBILL: Motion is to adjourn until Wednesday morning at 9:30, January 26th. All in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

(no response)

PRESIDENT GRAYBILL: So ordered.

(Adjournment at 10:03 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

TENTH DAY

January 26, 1972 Convention Hall

9:32 A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will come to order. For the information of the Convention, we have assigned one of the Delegate ministers to each day of the week for Invocation and we have asked them if they wouldn't, from time to time, share their obligations with other ministers in the community. This morning, Reverend Harbaugh has asked Len Watson, who is the Minister of the First Presbyterian Church here in Helena, if he would lead us in Invocation. So, shall we rise?

REVEREND WATSON: Let us pray. God of our fathers and Lord of our lives, how we praise You for this great land of ours and especially for this, our great State, and how we thank you for the blessings which come to us, a heritage from the past, a joy for the present and a challenge for the future; our freedoms, the cattle on a thousand hills, even the mantle of snow, water for our summer crops. Surely you know a great God and greatly to be praised. And, now Lord, as our representatives pick up their responsibilities for another day, fill their hearts and minds with the good of the past, the needs of our day and the hope of tomorrow and we will be confident that your will shall be done in Jesus' name, Amen.

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PRESIDENT GRAYBILL: Thank you. The Clerk will take the roll by the voting machines and will open the votes and vote Aye if you're present. Mr. Clerk, John Anderson is excused.

CLERK SMITH: Mr. Noble?

PRESIDENT GRAYBILL: Mr. Noble will be late but will be here, so he should be excused.

CLERK SMITH: Mr. Rebal?

PRESIDENT GRAYBILL: Mr. Rebal is present.

CLERK SMITH: Mr. Harper?

UNIDENTIFIED: Mr. Harper is here. He asked me to say he would be here. He just has to get his car out of the snow bank.

CLERK SMITH: Mr. Kelleher?

PRESIDENT GRAYBILL: Mr. Kelleher was excused yesterday for today. All right, we'll close the ballot and you can take the roll.

Aasheim	- Present	Babcock	- Present
Anderson, J.	- Excused	Barnard	- Present
Anderson, O.	- Present	Bates	- Present
Arbanas	- Present	Belcher	- Present
Arness	- Present	Berg	- Present
Aronow	- Present	Barthelson	- Present
Artz	- Present	Blaylock	- Present
Ask	- Present	Blend	- Present

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Bowman	-	Present	Graybill	-	Present
Brazier	-	Present	Gysler	-	Present
Brown	-	Present	Habedank	-	Present
Bugbee	-	Present	Hanson, R. S.	-	Present
Burkhardt	-	Present	Hanson, R.	-	Present
Cain	-	Present	Harbaugh	-	Present
Campbell	-	Present	Harlow	-	Present
Cate	-	Present	Harper	-	Excused
Champoux	-	Present	Harrington	-	Present
Choate	-	Present	Heliker	-	Present
Conover	-	Present	Holland	-	Present
Cross	-	Present	Jacobson	-	Present
Dahood	-	Present	James	-	Present
Davis	-	Present	Johnson	-	Present
Delaney	-	Present	Joyce	-	Present
Driscoll	-	Present	Kamhoot	-	Present
Drum	-	Present	Kelleher	-	Excused
Eck	-	Present	Leuthold	-	Present
Erdmann	-	Present	Loendorf	-	Present
Eskildsen	-	Present	Lorello	-	Present
Etchart	-	Present	Mansfield	-	Present
Felt	-	Present	Mahoney	-	Present
Foster	-	Present	Martin	-	Present
Furlong	-	Present	McCarvel	-	Present
Garlington	-	Present	McDonough	-	Present

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McKeon	-	Present	Schiltz	-	Present
McNeil	-	Present	Siderius	-	Present
Melvin	-	Present	Simon	-	Present
Monroe	-	Present	Skari	-	Present
Murray	-	Present	Sparks	-	Present
Noble	-	Excused	Speer	-	Present
Nutting	-	Present	Studer	-	Present
Payne	-	Present	Sullivan	-	Present
Pemberton	-	Present	Swanberg	-	Present
Rebal	-	Present	Toole	-	Present
Reichert	-	Present	Van Buskirk	-	Present
Robinson	-	Present	Vermillion	-	Present
Roeder	-	Present	Wagner	-	Present
Rollins	-	Present	Ward	-	Present
Romney	-	Present	Warden	-	Present
Rygg	-	Present	Wilson	-	Present
Scanlin	-	Present	Woodmansey	-	Present

CLERK SMITH: Mr. President, 4 excused, 96 present.

PRESIDENT GRAYBILL: Very well. The journal may so show. On the order of business, Reports of Standing Committees?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Report of Select Committees?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Report of Communications?

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CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Introduction and Reference of Delegate Proposals?

CLERK SMITH: Delegate Proposal Number Twenty-nine. A proposal repealing Article XI, Section 10, of the Constitution of the State of Montana and adding a new section to provide that school elections be held in conjunction with other elections. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Erdmann and others.

PRESIDENT GRAYBILL: To the Education and to the General Government Committee jointly.

CLERK SMITH: Delegate Proposal Number Thirty. A proposal for a new Constitutional section eliminating the defense of sovereign immunity. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Cate and others.

PRESIDENT GRAYBILL: To the Judiciary Committee.

CLERK SMITH: Delegate Proposal Number Thirty-one. A proposal amending Article XIX, Section 1, of the Constitution of the State of Montana to provide a brief oath of office. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Harlow.

PRESIDENT GRAYBILL: To the General Government Committee.

CLERK SMITH: Delegate Proposal Number Thirty-two.

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A proposal for a new section in Article III of the present Constitution, the Bill of Rights, guarantying freedom from discrimination. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Robinson and Speer.

PRESIDENT GRAYBILL: To the Bill of Rights Committee.

CLERK SMITH: Delegate Proposal Number Thirty-three. A proposal for a new Constitutional section to insure the rights of individual dignity, privacy, and free expression. Introduced by Campbell and others.

PRESIDENT GRAYBILL: To the Bill of Rights Committee.

CLERK SMITH: Delegate Proposal Number Thirty-four. A proposal for amending Article III, Section 24, of the Constitution of the State of Montana reaffirming the principles of reformation and providing automatic restoration of rights upon termination of State supervision. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Campbell and others.

PRESIDENT GRAYBILL: To the Judiciary Committee.

CLERK SMITH: Delegate Proposal Number Thirty-five. A proposal for a new Constitutional section in Article XII of the present Constitution to provide that the Legislative Assembly may allow preferential taxation. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Robinson.

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PRESIDENT GRAYBILL: To the Revenue and Finance Committee.

CLERK SMITH: Delegate Proposal Number Thirty-six. A proposal appealing Sections 2 and 4 of Article X of the Constitution of the State of Montana and amending Section 3 of Article X to provide for the seat of Montana government. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Belcher and others.

PRESIDENT GRAYBILL: To the General Government Committee.

CLERK SMITH: Delegate Proposal Number Thirty-seven. A proposal for a new Constitutional section providing for earmarking by the legislature. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Foster and others.

PRESIDENT GRAYBILL: To the Revenue and Finance Committee.

CLERK SMITH: Delegate Proposal Number Thirty-eight. A proposal for a new Constitutional section providing for citizen participation in the operation of government prior to final decision. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Foster and others.

PRESIDENT GRAYBILL: To the Judiciary Committee.

CLERK SMITH: That is all, sir.

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PRESIDENT GRAYBILL: No, I have a couple of others here from the President. Now, here's an announcement of an assignment. The President of the Montana Constitutional Convention hereby assigns the following Delegate Proposals to joint hearings as shown on the schedule below. Delegate Proposal Number One, which went to Natural Resources, is now also sent to the Bill of Rights jointly. Delegate Proposal Number Twelve, which went to Natural Resources, to the Bill of Rights Committee jointly. Delegate Proposal Number Twenty, which went to the Bill of Rights Committee, to the Natural Resources Committee jointly. Delegate Proposal Number Twenty-one, to the Bill of Rights Committee, now to the Natural Resources Committee jointly. This has the effect of putting the four bills on environment in joint hearings between the Bill of Rights and the Natural Resources Committees. Mr. Clerk, do you want to distribute that? Secondly, the following sections and articles of the Montana Constitution are referred to the indicated committee as shown on the attached schedule signed by myself, President, and attached thereto is a schedule of the Constitutional assignments. Now, these Constitutional assignments were made during the interim period. However, they have been slightly modified and I think that the Committee Chairmen know in each case, and we have also given out a copy of this to the Committee Chairmen. However, this will be handled in the normal form like a Delegate Proposal and, in

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due course this afternoon, each of you will get a copy of this assignment and the schedule so you'll all know to which committees various sections of the Constitution are assigned. All right, I think that's all the referrals. Order of Business Number Five, Final Consideration, none. Order of Business Number Six, Adoption of Proposed Constitution, none. Order of Business Number Seven, Motions and Resolutions. Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, since this problem has been spoken about and written about in the newspaper, and since I have a question in my own mind even though I do not intend to run for any office in this year of 1972, I should like to move the following. I move that the President of this Convention ask the Attorney General of the State of Montana for a legal opinion to clarify what political positions Delegates to this Convention may stand for in the year 1972. I have in mind, Mr. Chairman, for instance, could Delegates to this Convention stand for a school board election this year? Or, is it all right for us to run for a precinct committeeman or committeewoman post in our respective parties?

PRESIDENT GRAYBILL: Have you written that motion out, Mr. Blaylock? Would you send it to the rostrum? All right, Delegate Blaylock made the following motion, that the President of the Convention ask the Attorney General of the State of Montana for a legal opinion to clarify what political positions Delegates to the Convention might stand for in the

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year 1972. Is there discussion on the motion? Are you ready for the question? All right, we'll put then the question of whether or not the President of this Convention should ask the Attorney General of the State of Montana, for an opinion -- a legal opinion -- and to clarify what political positions delegates to this Convention may stand for in the year 1972. All those in favor of that motion, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, say No.

(No response)

PRESIDENT GRAYBILL: So ordered. I will request that this morning of him. Are there any other motions or resolutions? Order of business number Eight, Unfinished Business?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of business number Nine, Special Orders?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of business number Ten, General Orders?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of business number Eleven, Committee Announcements and Notices. First of all, you will note that the daily Convention Schedule is in somewhat better form today and your committee announcements are there if they

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have been published previously. Secondly, I would like to make an announcement that the meeting of Committee Chairmen scheduled for this evening is being rescheduled for adjournment Friday morning. There was one committee that had a conflict this evening. There was a possibility that the liaison officer and myself might not be able to be there tonight so we have decided that we would like to have the Committee Chairmen meet on adjournment Friday. You will recall that Friday morning is scheduled for Procedural Committees anyway, so there should be no conflicts with committee schedules. Secondly, I can announce that a Mr. Casella , who is Executive Director, I believe it is, of the National Municipal League, will be in Helena on Friday observing our Convention, and we had scheduled a meeting with the Committee Chairmen for him that morning anyway, so we will take up first the Committee Chairmen's business and then we will meet and discuss matters with Mr. Casella at that meeting, and the meeting will be held in Room 431 on adjournment Friday morning. Also, I presume that you are aware that there is a luncheon this noon for wives, and if any of them have decided to come that couldn't come yesterday, could you please notify one of the stenographers? Third, who is going to make the announcement? Oh, am I to make the announcement about the clerks? I think so -- the clerks, do you want to make the announcement about that? All right, I'll make the announcement. The Clerk's office

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now has designation slips by which you may designate which two persons, or which two places, you want copies of the Convention proceedings to go. So, pick up a slip at the Clerk's office and fill it out if you want to. We certainly are not urging you to, and if you don't have anyone in mind, let's not print just for the sheer joy of printing. If you want to designate, the Clerk's office has those slips available. Does the Clerk have an announcement about the State Auditor?

CLERK SMITH: The Auditor's office will be open on Saturday from 10:00 to 3:00 for pay purposes only. The Auditor's office is located on the second floor in the west wing of the Capitol Building, directly below us. There is a second announcement. There will be a P.D.O. Founders Day luncheon Saturday, January 29th, and all are cordially invited to attend. Reservations can be made with Mrs. Fallon in the Chief Clerk's office.

PRESIDENT GRAYBILL: Very well. Mr. Eskildson, do you have an announcement about this morning's parliamentary information session? May the record show Mr. Noble as present? Mr. Eskildson.

DELEGATE ESKILDSON: Mr. President, the information we were supposed to put out today will be late because the rules will be on our desks this evening some time and we'll have a chance to go over them and I think it would be better, when we are going through rules in procedure and putting out

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information, if we all had the rules before us. So, we will have that on adjournment Friday.

PRESIDENT GRAYBILL: What I meant by that other announcement about Committee Chairmen, it will be after your hearing.

DELEGATE ESKILDSON: So it will be now moved on up to recess Friday.

PRESIDENT GRAYBILL: Very well. We won't have the parliamentary session this morning. We will have it on Friday morning at recess and the Committee Chairmen meeting will be after that session on Friday morning. Now, are there other announcements? Mrs. Warden.

DELEGATE WARDEN: May I ask that the Cascade County delegation meet at the back of the room for just a few minutes after this session?

PRESIDENT GRAYBILL: Very well. Cascade County in the left, rear corner of this chamber at the close of this session. Other announcements? Mr. Holland.

DELEGATE HOLLAND: There will be a meeting of the Judiciary Committee in the committee room, ten minutes after adjournment.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Mr. President, I must apologize to the Convention. I noticed that the Executive Committee is the only one on our daily schedule that apparently is doing

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nothing. I want to announce that at 2 o'clock today, the Executive Committee is going to meet with the Board of Railroad and Public Service Commissioners. We will have the information of our subsequent meetings on this list later and the Executive Committee will meet in committee room 430 ten minutes after adjournment.

PRESIDENT GRAYBILL: Very well. Mr. Toole.

DELEGATE TOOLE: Mr. President, the Public Information Committee will have a meeting every morning at 8:30 in the Public Information Director's office until further notice.

PRESIDENT GRAYBILL: All right. 8:30 every morning for Public Information until further notice. Mrs. Bugbee.

DELEGATE BUGBEE: Mr. President, since we have a limitation of two of the Convention proceedings, would it be possible to allocate one of these to each of the Citizen Corps chairmen in their areas?

PRESIDENT GRAYBILL: We'll take care of the Citizen Corps, Mrs. Bugbee, aside from that allocation. Other announcements? Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move we stand adjourned until Thursday, January 27th, 1972.

PRESIDENT GRAYBILL: The motion is to adjourn until Thursday at 9:30. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, say No.

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(No response)

PRESIDENT GRAYBILL: So ordered.
(Adjournment at 9:52 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

ELEVENTH DAY

January 27, 1972 — Convention Hall

9:40 o'clock, A.M. — Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. The Convention today sent George Harper to Great Falls to debate so in his absence, I'm going to ask Father Arbanas to lead us in invocation.

FATHER ARBANAS: Let us pray. Our Father, we thank you for the challenge and the opportunities of this new day. Give us joy and courage and wisdom. Help us to listen to others and see the needs of others. Amen.

PRESIDENT GRAYBILL: Very well, we'll take roll on the voting machine by voting Aye if you're present. Four of the Delegates are in Great Falls on this taping that they're doing, so they are excused.

CLERK SMITH: Mr. Barnard, Mr. Harper, Mr. Johnson, Mr. Nutting and Mrs. Robinson are excused. Mr. Kelleher.

PRESIDENT GRAYBILL: Mr. Kelleher is excused.

CLERK SMITH: Mr. President, ninety-four Delegates present; six excused. Quorum.

PRESIDENT GRAYBILL: Very well, let the journal so show.

(Official roll call follows for this date.)

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1	Aasheim	-	Present	Choate	-	Present
2	Anderson, J.	-	Present	Conover	-	Present
3	Anderson, O.	-	Present	Cross	-	Present
4	Arbanas	-	Present	Dahood	-	Present
5	Arness	-	Present	Davis	-	Present
6	Aronow	-	Present	Delaney	-	Present
7	Artz	-	Present	Driscoll	-	Present
8	Ask	-	Present	Drum	-	Present
9	Babcock	-	Present	Eck	-	Present
10	Barnard	-	Excused	Erdmann	-	Present
11	Bates	-	Present	Eskildsen	-	Present
12	Belcher	-	Present	Etchart	-	Present
13	Berg	-	Present	Felt	-	Present
14	Berthelson	-	Present	Foster	-	Present
15	Blaylock	-	Present	Furlong	-	Present
16	Blend	-	Present	Garlington	-	Present
17	Bowman	-	Present	Graybill	-	Present
18	Brazier	-	Present	Gysler	-	Present
19	Brown	-	Present	Habedank	-	Present
20	Bugbee	-	Present	Hanson, R. S.	-	Present
21	Burkhardt	-	Present	Hanson, R.	-	Present
22	Cain	-	Present	Harbaugh	-	Present
23	Campbell	-	Present	Harlow	-	Present
24	Cate	-	Present	Harper	-	Excused
25	Champoux	-	Present	Harrington	-	Present

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Heliker	-	Present	Rebal	-	Present
Holland	-	Present	Reichert	-	Present
Jacobson	-	Present	Robinson	-	Excused
James	-	Present	Roeder	-	Present
Johnson	-	Excused	Rollins	-	Present
Joyce	-	Present	Romney	-	Present
Kamhoot	-	Present	Rygg	-	Present
Kelleher	-	Excused	Scanlin	-	Present
Leuthold	-	Present	Schiltz	-	Present
Loendorf	-	Present	Siderius	-	Present
Lorello	-	Present	Simon	-	Present
Mahoney	-	Present	Skari	-	Present
Mansfield	-	Present	Sparks	-	Present
Martin	-	Present	Speer	-	Present
McCarvel	-	Present	Studer	-	Present
McDonough	-	Present	Sullivan	-	Present
McKeon	-	Present	Swanberg	-	Present
McNeil	-	Present	Toole	-	Present
Melvin	-	Present	Van Buskirk	-	Present
Monroe	-	Present	Vermillion	-	Present
Murray	-	Present	Wagner	-	Present
Noble	-	Present	Ward	-	Present
Nutting	-	Excused	Warden	-	Present
Payne	-	Present	Wilson	-	Present
Pemberton	-	Present	Woodmansey	-	Present

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PRESIDENT GRAYBILL: Order of Business Number One, Reports of Standing Committees.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Two, Reports of Select Committees.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Three, Communications.

CLERK SMITH: (Reading) The Honorable Leo Graybill, Jr., President, Constitutional Convention, State of Montana, State Capitol Building, Helena, Montana. Dear President Graybill: Enclosed with this letter is a Resolution adopted by the Delegates to our Constitutional Convention some days ago expressing their best wishes to the Constitutional Convention of the State of Montana. I know you will enjoy your experience as President, as I do. It is a once-in-a-lifetime experience. You have my very best wishes for a successful Convention; one that will result in the drafting of a new Constitution for the State of Montana--a Constitution that will be adopted by the citizens of your great state. Very truly yours, Frank A. Wenstrom, President, Constitutional Convention, State of North Dakota.

PRESIDENT GRAYBILL: Now you may read the Resolution.

CLERK SMITH: (Reading) A resolution expressing the

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best wishes of the North Dakota Constitutional Convention to the Constitutional Convention of the State of Montana: WHEREAS, along the length and breadth of this land there is a concerted effort to revise and reform many state constitutions in order that these basic documents reflect the changes and advancements that have occurred in this century affecting our society and way of life; and WHEREAS, the citizens of the states of North Dakota and Montana, having recognized that there may be a need for such revision and reform have authorized Constitutional Conventions to undertake this effort; and WHEREAS, the delegates to the North Dakota Constitutional Convention have now been in plenary session for ten days and recognize the monumental problems confronting them as they attempt to revise and rewrite the North Dakota constitution of 1889; and WHEREAS, the delegates to the Montana Constitutional Convention are now assembled in Helena for the same basic purposes, having determined that a proposed revision of their own constitution was advisable; NOW THEREFORE, BE IT RESOLVED BY THE NORTH DAKOTA CONSTITUTIONAL CONVENTION: That this Convention express its sincere wishes for a most successful organizational meeting and that the delegates to the Montana Constitutional Convention may produce a revised constitution so nearly perfect that it may be second only to that created by the state of North Dakota. BE IT FURTHER RESOLVED: That a copy of this resolution be forwarded to the President of the

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Montana Constitutional Convention. Frank A. Wenstrom, President; William R. Pearce, First Vice President; Stanley Saugstad, Second Vice President; Lois Vogel, Secretary; G. R. Gilbreath, Chief Clerk. (End reading) That is all, sir.

PRESIDENT GRAYBILL: Very well. Shortly under Resolutions we will have a reply ready for them. The journal clerk may record the North Dakota resolution in the journal.

Mr. Arness.

DELEGATE ARNESS: Mr. President, may I comment? Apparently that's a North Dakota joke.

PRESIDENT GRAYBILL: I suppose it would only be fair to let each one of you tell your own North Dakota joke at this time.

Mr. Barnard.

DELEGATE BARNARD: I would just like to announce that I am present now.

PRESIDENT GRAYBILL: Very well. Mr. Barnard is present. All right, Order of Business Number Four, Introduction and Reference of Delegate Proposals.

CLERK SMITH: Delegate Proposal Number Thirty-Nine: A proposal for a new Constitutional section providing for a wage commission. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Cate and others.

PRESIDENT GRAYBILL: Number Thirty-Nine to Public Health, Welfare, Labor and Industry.

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CLERK SMITH: Delegate Proposal Number Forty: A proposal for a new Constitutional article on local government. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Felt and others.

PRESIDENT GRAYBILL: Number Forty to Local Government.

CLERK SMITH: Delegate Proposal Number Forty-One. A proposal for two new Constitutional sections which will retain the provisions of the present Constitution relating to appropriations for charitable purposes and aid to non-public schools. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Leuthold.

PRESIDENT GRAYBILL: Number Forty-One to Education.

CLERK SMITH: Delegate Proposal Number Forty-Two: A proposal for a new Constitutional section providing for initiative, referendum and recall powers for local government. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Blend.

PRESIDENT GRAYBILL: Number Forty-Two to General Government.

CLERK SMITH: Delegate Proposal Number Forty-Three: A proposal for a new Constitutional section providing for equality of educational opportunity. Introduced by Champoux and others.

PRESIDENT GRAYBILL: Number Forty-Three to Education.

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CLERK SMITH: Delegate Proposal Number Forty-Four: A proposal for a new judicial article. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Loendorf.

PRESIDENT GRAYBILL: Number Forty-Four to Judiciary.

CLERK SMITH: Delegate Proposal Number Forty-Five: A proposal amending Article Three, Section Three of the Constitution of the State of Montana recognizing the right to basic necessities. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Monroe and others.

PRESIDENT GRAYBILL: Number Forty-Five jointly to the Bill of Rights Committee and Public Health, Welfare, Labor and Industry Committee.

CLERK SMITH: Delegate Proposal Number Forty-Six: A proposal for a new Constitutional section providing for the financing of the public school system. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by McKeon.

PRESIDENT GRAYBILL: Number Forty-Six, jointly, to Education and Revenue and Finance.

CLERK SMITH: That is all, sir.

PRESIDENT GRAYBILL: All right, Number Five, Final Consideration of Proposals.

CLERK SMITH: None, sir.

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PRESIDENT GRAYBILL: Six: Adoption of proposed Constitution and ballot.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Seven: Motions and Resolutions. We have a resolution which I have signed which Mr. Harris has prepared and which we will now read to you which we will send, if you approve, to North Dakota. Will you read Resolution Number Eight?

CLERK SMITH: (Reading) A Resolution sending greetings of the Montana Constitutional Convention to the Constitutional Convention of the State of North Dakota. WHEREAS, on July 4, 1889, delegates to Constitutional Conventions met in the great states of Montana and North Dakota to draft constitutions to govern the new states preparing to join the Union; and WHEREAS, the following communication was received by the Montana Constitutional Convention of 1889 from the North Dakota Constitutional Convention: Bismark, Dakota, July 4, 1889. Constitutional Convention: The Constitutional Convention of North Dakota sends greeting, and bids you God speed in your advance movement towards statehood and full American citizenship. May the four new stars about to be added to the national flag not lose in brilliancy through lack of care in laying the foundations of the states to be. Let Washington bring fruit and flowers--Montana, its precious metals--to add to the beauty and wealth of our nation; while

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the Dakotas will bring wheat and corn for the people of the world. Signed: F. B. Fancher, President. WHEREAS, the sister conventions proposed constitutions which the people approved in 1889 in 1889 that have governed our states for eighty-two years; and WHEREAS, the conditions of life have changed greatly since we sister states adopted our present constitutions and because of this the citizens of Montana and North Dakota have voted for and called conventions to revitalize our basic documents; and WHEREAS, both conventions are now assembled and have undertaken the rewarding task of preparing proposed constitutions for consideration by their people. NOW, THEREFORE, BE IT RESOLVED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA: That the delegates to the Montana Constitutional Convention send fraternal greetings to the people of North Dakota and their delegates in convention assembled. That the delegates to the Montana Constitutional Convention congratulate the North Dakota Constitutional Convention and convey their wishes that the North Dakota Convention as well as the Montana Convention will have the ability to draft constitutions that will meet the approval of the people of our great states and serve as examples for all other states. BE IT FURTHER RESOLVED: That a copy of the resolution be sent to the President of the North Dakota Constitutional Convention. Introduced by Leo Graybill, Jr.

PRESIDENT GRAYBILL: Very well, you have heard the

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proposed resolution to the state of North Dakota in which Mr. Harris has, I think, interestingly drawn upon the historical references to the 1889 Constitutions and to North Dakota's message to us at that time, and has sent them greetings and good wishes. Is there any discussion?

(No response)

PRESIDENT GRAYBILL: All right, all those in favor of adopting this resolution and sending it to the state of North Dakota, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered. And we will write a cover letter and sent the resolution out to them. Are there any other motions or resolutions?

(No response)

PRESIDENT GRAYBILL: Very well. Eight: Unfinished Business.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Nine: Special Orders of the Day.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Ten: General Orders of the Day.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Eleven: Announcements and No-

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tices. First of all, I'm sure you are all aware that the Historical Society party is tonight and they have invited all of us and the staff and will look forward to seeing us there. Secondly, you will be receiving today notices today of a second social gathering of the body, a dinner at the Montana Club next Tuesday night. I thought you might want to keep that in mind. It is necessary that we get at least fifty reservations for this party, so please think about it and if possible get your reservations in as promptly as possible to my secretary. Third, I am sure you committee chairman are aware that they will meet on adjournment or at least after the parliamentary exercise tomorrow. We will meet in the Senate. We will discuss some business for the first portion of that period and then we will meet with the National Municipal League representative who will be there. I think that we invited the vice chairmen to come to that meeting and certainly you may come to the whole meeting if you want to. Now, Mrs. Warden, do you have an announcement?

DELEGATE WARDEN: Yes, Mr. President. The Public Information meeting will be held Friday morning from ten to twelve in Room 431. There will be an eight-thirty meeting every morning for the sub-committee chairmen of public information in Miss Harrison's office, and this is just for the sub-committees of public information. Thank you.

PRESIDENT GRAYBILL: Very well, Public Information

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tomorrow morning at ten o'clock, Room 431. Now, yesterday I announced that you could designate people to whom the proceedings were to be sent and you have done so all too well. And the leadership would like to announce that anybody who doesn't want to designate will be rewarded with some sort of a small gold star because our printing and our mailing costs are skyrocketing. So, please don't designate anyone to receive the proceedings, which are extensive, unless there's a real good reason for it, unless you really want it there. Let's not designate somebody just for the sheer joy of sending this stuff through the mail to them. So, those of you who haven't designated should feel a moment's pride in having not done so. Are there other announcements?

Mr. Loendorf.

DELEGATE LOENDORF: I would like to announce, Mr. President, that the First Judicial District Bar Association invites the lawyer delegates to their annual meeting. It's tomorrow night at six-thirty at the Montana Club. There will be a no-host cocktail hour followed by dinner and you should make a reservation with Mr. Brazier or myself sometime today and the cost is five-fifty per person. And the announcement I see also notes that Melvin Belli may be a special guest.

PRESIDENT GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, Style and Drafting tomorrow morning at nine o'clock. That won't conflict with

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anything you've set, will it?

PRESIDENT GRAYBILL: At nine o'clock?

DELEGATE SCHILTZ: Yes.

PRESIDENT GRAYBILL: We'll have a session at nine-thirty until about a quarter to ten.

DELEGATE SCHILTZ: We'll be through by nine o'clock--I mean, nine-thirty.

PRESIDENT GRAYBILL: Nine o'clock is fine. Style and Drafting.

Mr. Champoux.

DELEGATE CHAMPOUX: Education ten minutes after adjournment of this session, please.

PRESIDENT GRAYBILL: Mr. Holland.

DELEGATE HOLLAND: Judiciary ten minutes after adjournment.

PRESIDENT GRAYBILL: Mrs. Cross.

DELEGATE CROSS: This morning Natural Resources will deal with water, and that's at ten-thirty, and the one at one-thirty is a joint hearing with the Public Lands and Education Committee.

PRESIDENT GRAYBILL: Very well. Mr. Joyce.

DELEGATE JOYCE: Executive, ten minutes after adjournment at the committee room.

PRESIDENT GRAYBILL: Very well. Are there other announcements?

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(No response)

PRESIDENT GRAYBILL: All right.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move that the Convention stand adjourned until nine-thirty, A.M., Friday, January twenty-eighth, 1972.

PRESIDENT GRAYBILL: All in favor of adjourning until nine-thirty Friday morning say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered.

(Convention adjourned at 9:58 A.M.

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MONTANA CONSTITUTIONAL CONVENTION

TWELFTH DAY

January 28, 1972 Convention Hall

9:42 A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will come to order. Shall we all rise and have Invocation by Delegate Scanlin?

DELEGATE SCANLIN: Let us pray. He that hath ears to hear, let him hear. These words of Jesus remind us, O, God, that it is more important to listen than to speak. Make us good listeners that we may be enabled better to understand the issues before us, and to add to our understanding of our fellow human beings, Amen.

PRESIDENT GRAYBILL: We will take the roll call by voting "Aye".

CLERK SMITH: Mr. Artz, Mr. Campbell, Mr. Cate, Mr. James, Mr. Johnson. Mr. Kelleher is excused.

PRESIDENT GRAYBILL: Very well. Take the recorded vote.

Aasheim	- Present	Artz	- Present
Anderson, J.	- Present	Ask	- Present
Anderson, O.	- Present	Babcock	- Present
Arbanas	- Present	Barnard	- Present
Arness	- Present	Bates	- Present
Aronow	- Present	Belcher	- Present

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Berg	-	Present	Felt	-	Present
Berthelson	-	Present	Foster	-	Present
Blaylock	-	Present	Furlong	-	Present
Blend	-	Present	Garlington	-	Present
Bowman	-	Present	Graybill	-	Present
Brazier	-	Present	Gysler	-	Present
Brown	-	Present	Habedank	-	Present
Bugbee	-	Present	Hanson, R. S.	-	Present
Burkhardt	-	Present	Hanson, R.	-	Present
Cain	-	Present	Harbaugh	-	Present
Campbell	-	Present	Harlow	-	Present
Cate	-	Present	Harper	-	Present
Champoux	-	Present	Harrington	-	Present
Choate	-	Present	Heliker	-	Present
Conover	-	Present	Holland	-	Present
Cross	-	Present	Jacobson	-	Present
Dahood	-	Present	James	-	Present
Davis	-	Present	Johnson	-	Present
Delaney	-	Present	Joyce	-	Present
Driscoll	-	Present	Kamhoot	-	Present
Drum	-	Present	Kelleher	-	Excused
Eck	-	Present	Leuthold	-	Present
Erdmann	-	Present	Loendorf	-	Present
Eskildsen	-	Present	Lorello	-	Present
Etchart	-	Present	Mahoney	-	Present

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Mansfield	-	Present	Rygg	-	Present
Martin	-	Present	Scanlin	-	Present
McCarvel	-	Present	Schiltz	-	Present
McDonough	-	Present	Siderius	-	Present
McKeon	-	Present	Simon	-	Present
McNeil	-	Present	Skari	-	Present
Melvin	-	Present	Sparks	-	Present
Monroe	-	Present	Speer	-	Present
Murray	-	Present	Studer	-	Present
Noble	-	Present	Sullivan	-	Present
Nutting	-	Present	Swanberg	-	Present
Payne	-	Present	Toole	-	Present
Pemberton	-	Present	Van Buskirk	-	Present
Rebal	-	Present	Vermillion	-	Present
Reichert	-	Present	Wagner	-	Present
Robinson	-	Present	Ward	-	Present
Roeder	-	Present	Warden	-	Present
Rollins	-	Present	Wilson	-	Present
Romney	-	Present	Woodmansey	-	Present

CLERK SMITH: Mr. President, 99 present, 1 excused. Quorum, Mr. President.

PRESIDENT GRAYBILL: Very well. The Journal may so show. Order of Business Number One, Report of Standing Committees?

CLERK SMITH: None, sir.

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PRESIDENT GRAYBILL: Order of Business Number Two, Report of Select Committees?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Three, Communications?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Four, Introduction and Reference of Delegate Proposals?

CLERK SMITH: Delegate Proposal Number Forty-seven. A proposal for a new Constitutional section providing for three types of elections. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Cain.

PRESIDENT GRAYBILL: General Government, Forty-seven.

CLERK SMITH: Delegate Proposal Number Forty-eight. A proposal for two new Constitutional sections providing for water rights. Introduced by Etchart.

PRESIDENT GRAYBILL: Forty-eight to Natural Resources.

CLERK SMITH: Delegate Proposal Number Forty-nine. A proposal amending Article XI, Section 5, of the Constitution of the State of Montana providing for apportionment of school funds. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Blaylock and others.

PRESIDENT GRAYBILL: Forty-nine to Education.

CLERK SMITH: Delegate Proposal Number Fifty. A proposal for a new Constitutional section guarantying the equal protection of the laws. Be it proposed by the Constitu-

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tional Convention of the State of Montana. Introduced by Campbell.

PRESIDENT GRAYBILL: Fifty, to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Fifty-one. A proposal for a new Constitutional section prohibiting discrimination in employment and the sale or rental of property on the basis of race, color, creed, national ancestry or sex. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Campbell.

PRESIDENT GRAYBILL: Fifty-one, to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Fifty-two. A proposal amending Article XIX, Section 8, of the Constitution of the State of Montana to permit future Constitutional Convention delegates to be elected on a nonpartisan basis. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Warden and others.

PRESIDENT GRAYBILL: Fifty-two, to General Government

CLERK SMITH: Delegate Proposal Number Fifty-three. A proposal amending Article VIII, Section 20, of the Constitution of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Ask and others.

PRESIDENT GRAYBILL: Fifty-three, to Judiciary.

CLERK SMITH: Delegate Proposal Number Fifty-four. A proposal repealing Article XIX, Section 6, of the Constitu-

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tion of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Rollins.

PRESIDENT GRAYBILL: Fifty-four, to Local Government.

CLERK SMITH: Delegate Proposal Number Fifty-five. A proposal for a new Constitutional section providing for compensation of victims of crime. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Cate.

PRESIDENT GRAYBILL: Fifty-five, to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Fifty-six. A proposal for a new Constitutional Article on local government. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Erdmann.

PRESIDENT GRAYBILL: Fifty-six, to Local Government.

CLERK SMITH: Delegate Proposal Number Fifty-seven. A proposal for a new Constitutional section providing for citizens' rights to access to government documents and procedures. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Eck and others.

PRESIDENT GRAYBILL: Fifty-seven, to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Fifty-eight. A proposal for a new Constitutional section providing for periodically presenting the question of a Constitutional Convention to the voters. Be it proposed by the Constitutional

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Convention of the State of Montana. Introduced by Harlow and Hanson.

PRESIDENT GRAYBILL: Fifty-eight, to General Government.

CLERK SMITH: Delegate Proposal Number Fifty-nine. A proposal for a new Preamble to the Constituion of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Campbell and Mae Nan Robinson.

PRESIDENT GRAYBILL: Fifty-nine, to Bill of Rights. There has been a request that we read Proposal Number Fifty-nine, which is short, to the Convention and unless I hear objection, I'll ask the Clerk to read Proposal Number Fifty-nine. Hearing none, proceed.

CLERK SMITH: Section 1. There shall be a Preamble in the new Constitution to read as follows: Preamble. We, the people of Montana, instilled with the spirit of our Creator, gathering our strength from the grandeur of our mountains and the richness of our rolling grasslands, with a reverence for the quiet beauty of our State, with the desire to live in peace in order to improve the quality of life and equality of opportunity for this and succeeding generations, do hereby ordain and establish this Constitution.

PRESIDENT GRAYBILL: Very well. That Proposal has been assigned to Bill of Rights. Very well. Order of Business

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Number Five, Final Consideration?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Six, Adoption of Proposed Constitution?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Seven, Motions and Resolutions. The Chair would recognize Mr. Holland.

DELEGATE HOLLAND: Your Honor, or Mr. President.

(Laughter)

PRESIDENT GRAYBILL: Mr. Holland, if there's one thing I haven't been, it's elevated to the Judiciary, but go ahead.

DELEGATE HOLLAND: Well, in the Judiciary, we've been bowing and scraping to judges for the last three days and I'm not about to forget my manners and I apologize.

(Laughter)

DELEGATE HOLLAND: The Chair has referred Delegate Proposals Numbers Thirty, Thirty-four and Thirty-eight to Judiciary. I have discussed the matter of their referral with the main sponsors and each one wants them into the Bill of Rights Committee. They feel they properly belong there. I have discussed the matter with Mr. Dahood, who is the Chairman of the Bill of Rights and he desires to have them in his Committee. I therefore move that Delegate Proposals Numbers Thirty, Thirty-four and Thirty-eight be transferred from

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Judiciary to the Bill of Rights Committee.

PRESIDENT GRAYBILL: Would you identify the subjects of those? I am not familiar with Thirty-eight.

DELEGATE HOLLAND: I think I better read Thirty-eight because I'm not real clear on exactly what they want. Section 1. There shall be a new Constitutional provision to provide as follows: Right of Participation. The public shall have the right to expect governmental agencies to afford every feasible opportunity for citizen participation in the operation of the government prior to final decision. The legislature shall provide, by law, points of access and institutional structures to maximize such a right. It would be then, I take it, a right of participation to be implemented by the legislature.

PRESIDENT GRAYBILL: Well, Thirty refers to restitution of prisoners, as I recall.

DELEGATE HOLLAND: And Thirty-four is the abolition of sovereign immunity in the State and subdivisions thereof.

PRESIDENT GRAYBILL: All right. Can you tell me who the author of Thirty-eight is because I hadn't checked that one out?

DELEGATE HOLLAND: Thirty-eight is sponsored by Donald Foster. I have discussed this matter with him. George James, Mae Nan Robinson, Lyle Monroe, Veronica Sullivan, Jerome Cate, Neil Furlong, Bob Campbell, Jerome Loendorf,

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Dorothy Eck and Don Rebal. I have been informed by Mr. Cate that the initial sponsor was Mr. Foster. I discussed the matter with Mr. Foster and he assured me that he believes it belongs in the Bill of Rights. I discussed the matter with Mr. Dahood and he also believes it belongs there and wishes it transferred.

PRESIDENT GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: The Bill of Rights Committee joins in the motion submitted by the Judiciary Committee.

PRESIDENT GRAYBILL: Very well. The motion is to move Delegate Proposals Thirty, Thirty-four and Thirty-eight from Judiciary to Bill of Rights. Now, does anybody want to segregate that and vote on them individually? The Chair has no objection to moving them. If not, all in favor of moving them, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, no.

(No response)

PRESIDENT GRAYBILL: So ordered. Now, Mr. Heliker.

DELEGATE HELIKER: Mr. President, I would like to move that Delegate Proposal Thirty-nine, which has to do with salary scales of elected officers, be transferred from the Public Health Committee to the Executive Committee.

PRESIDENT GRAYBILL: On Thirty-nine, the Chair will admit I didn't read it carefully enough and I would like the

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House to approve this. May we move Thirty-nine from Public Health to Executive? All in favor say, Aye.

DELEGATES: Aye

PRESIDENT GRAYBILL: Opposed?

(No response)

PRESIDENT GRAYBILL: So ordered. All right, Order of Business Number -- are there other motions and resolutions? Order of Business Number Eight, Unfinished Business?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Nine, Special Orders?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Ten, General Orders?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Eleven, Special Announcements. As I think you're mostly aware, Mr. William Casella, Jr., the Executive Director of the National Municipal League, will be with us today. He is going to meet this morning between 11:00 and 12:00 with the Committee Chairmen and he is going to meet this afternoon at 2:00 with the Local Government Committee and we have secured the Senate for that meeting for your information, Mr. Anderson, and he is going to have lunch today with some of the executive officers of the Convention. Secondly, I'd like to announce that the Council on Children and Youth, which is a Montana council concerning itself with children and youth, is going to have a youth fair on Monday;

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you've seen the announcements in the hallways. They had scheduled this youth fair in conjunction with us and we then changed our schedule, but they're going ahead on Monday anyway. The Bill of Rights Committee has graciously consented to hold a hearing on Monday morning on some issues in the Bill of Rights which the young people might be interested in, and we'll listen to their testimony. Anyone else that wants to hold anything on Monday or participate, we'd be happy to have you do so. Those of you who are here, might want to come out and observe the youth fair. I've been asked to make the following announcement about mail. There is no mail delivery in the Capitol on Sunday. Mail can be picked up on Monday, of course, and furthermore, the center doors of the Capitol will be the only ones open over the week-end; the other doors will be posted. That's Sunday and, I guess, maybe that's Saturday this week. Then we have -- the Committee Chairmen, I think, are all aware that they are meeting this morning after the parliamentary exercise in the Senate. The committee secretaries, however, will also be meeting at the same time in the Judiciary Room No. 412. So, if some of you can't find your committee secretary, that's why. They are also holding a meeting this morning from, let's say, 10:30 on in Judiciary 412 and I again have been asked to call your attention to that notice you got yesterday about dinner next Tuesday and R.S.V.P. replies to my secretary or one of the other secretaries. Are there other announcements?

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Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President, as Vice-President of the Bill of Rights Committee, I should like to announce that, in accordance with the request of the President about meetings on Friday, that on the schedule which was handed to us today, the Bill of Rights hearing on discrimination and right to bear arms will be heard tomorrow, Saturday, at 10 o'clock in the Governor's conference room.

PRESIDENT GRAYBILL: Very well. That hearing is tomorrow. Mrs. Warden.

DELEGATE WARDEN: As Vice Chairman of the Public Information Committee, there will be a meeting of the committee in room 431 on adjournment from 10:00 to 12:00.

PRESIDENT GRAYBILL: That's after the parliamentary exercise? Very well. Mr. Heliker.

DELEGATE HELIKER: I'd like to note a correction in the daily schedule. The hearing of the Public Health Committee today is scheduled for 8 P.M. Also, I would like to announce that the meeting of the Committee scheduled for 3 P.M. this afternoon has been cancelled.

PRESIDENT GRAYBILL: Very well. Mr. Etchart.

DELEGATE ETCHART: Mr. President, the General Government Committee will meet at 1:30 this afternoon. Thank you.

PRESIDENT GRAYBILL: Is that in place of the 10 A.M.

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meeting?

DELEGATE ETCHART: Yes.

PRESIDENT GRAYBILL: Very well. 1:30 P.M., General Government. Mr. Joyce.

DELEGATE JOYCE: The Executive Committee will meet in the committee room at 2:00 P.M. today.

PRESIDENT GRAYBILL: Very well. Mr. Rygg.

DELEGATE RYGG: I notice there is nothing on this sheet for Revenue and Finance but we are having our hearings at 1:30 in room 315 in the Mitchell Building.

PRESIDENT GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. President, I'd like to request the Cascade County Delegation to meet with me in the rear of the chamber immediately upon adjournment.

PRESIDENT GRAYBILL: That had better be upon adjournment after the parliamentary exercises, is that all right?

DELEGATE REICHERT: That's fine.

PRESIDENT GRAYBILL: Very well. Mr. Anderson

DELEGATE ANDERSON: Please take note that the Local Government meeting at 2:00 o'clock is going to be in the Senate chambers and not in room 437.

PRESIDENT GRAYBILL: Very well. Other announcements? Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President, is it going to be the custom now that we are going to announce each day, each

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of our hearings?

PRESIDENT GRAYBILL: No, these have all been changes, I think, except maybe one that I'm not going to mention. If you've got it on there, I'd rather you didn't announce it but, if it's wrong on there, then we certainly don't mind you correcting it. Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move that we adjourn until Saturday, January 29th at 9:30 A.M., 1972.

PRESIDENT GRAYBILL: The motion is to adjourn the Convention until Saturday at 9:30 A.M. All in favor say, Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, nay.

(No response)

PRESIDENT GRAYBILL: Please bear in mind that the parliamentary exercise is going to take place now.

(Adjournment at 10:00 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

THIRTEENTH DAY

January 29, 1972 Convention Hall

9:40 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. This morning Delegate Arbanas has made arrangements for the Reverend Bernard Sullivan, the pastor of St. Mary's Catholic Church here in Helena, to give us our Invocation. Reverend Sullivan.

REVEREND SULLIVAN: Oh, Heavenly Father, we thank You for calling us together this morning; we thank You for the rest that we have had during the night and for the opportunity You have given all of us this day to serve and honor You and one another. Inspire this assembly. Keep this assembly open to listen to one another and to listen to the needs of Your people so that the common good of all the people of our state will be promoted through Jesus Christ, our Lord.

PRESIDENT GRAYBILL: The Clerk will take the roll. We may indicate our presence by voting Aye on the voting machine.

CLERK SMITH: Mr. Schiltz is excused. Mr. Felt is excused. Mr. Arness?

PRESIDENT GRAYBILL: Mr. Arbanas, would you push Mr. Arness' --

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CLERK SMITH: Mr. Holland, Mr. McKeon, Mr. Toole.

PRESIDENT GRAYBILL: Mr. Toole is present. He has been here this morning.

CLERK SMITH: Mr. Holland, Mr. McKeon.

(No response)

PRESIDENT GRAYBILL: Very well, take the recorded vote.

Aasheim	-	Present	Brown	-	Present
Anderson, J.	-	Present	Bugbee	-	Present
Anderson, O.	-	Present	Burkhardt	-	Present
Arbanas	-	Present	Cain	-	Present
Arness	-	Present	Campbell	-	Present
Aronow	-	Present	Cate	-	Present
Artz	-	Present	Champoux	-	Present
Ask	-	Present	Choate	-	Present
Babcock	-	Present	Conover	-	Present
Barnard	-	Present	Cross	-	Present
Bates	-	Present	Dahood	-	Present
Belcher	-	Present	Davis	-	Present
Berg	-	Present	Delaney	-	Present
Berthelson	-	Present	Driscoll	-	Present
Blaylock	-	Present	Drum	-	Present
Blend	-	Present	Eck	-	Present
Bowman	-	Present	Erdmann	-	Present
Brazier	-	Present	Eskildsen	-	Present

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Etchart	-	Present	Mahoney	-	Present
Felt	-	Excused	Mansfield	-	Present
Foster	-	Present	Martin	-	Present
Furlong	-	Present	McCarvel	-	Present
Garlington	-	Present	McDonough	-	Present
Graybill	-	Present	McKeon	-	Absent
Gysler	-	Present	McNeil	-	Present
Habedank	-	Present	Melvin	-	Present
Hanson, R. S.	-	Present	Monroe	-	Present
Hanson, R.	-	Present	Murray	-	Present
Harbaugh	-	Present	Noble	-	Present
Harlow	-	Present	Nutting	-	Present
Harper	-	Present	Payne	-	Present
Harrington	-	Present	Pemberton	-	Present
Heliker	-	Present	Rebal	-	Present
Holland	-	Absent	Reichert	-	Present
Jacobson	-	Present	Robinson	-	Present
James	-	Present	Roeder	-	Present
Johnson	-	Present	Rollins	-	Present
Joyce	-	Present	Romney	-	Present
Kamhoot	-	Present	Rygg	-	Present
Kelleher	-	Present	Scanlin	-	Present
Leuthold	-	Present	Schiltz	-	Excused
Loendorf	-	Present	Siderius	-	Present
Lorello	-	Present	Simon	-	Present

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Skari	-	Present	Van Buskirk	-	Present
Sparks	-	Present	Vermillion	-	Present
Speer	-	Present	Wagner	-	Present
Studer	-	Present	Ward	-	Present
Sullivan	-	Present	Warden	-	Present
Swanberg	-	Present	Wilson	-	Present
Toole	-	Present	Woodmansey	-	Present

CLERK SMITH: Mr. President, ninety-five--ninety-eight present--

PRESIDENT GRAYBILL: No.

CLERK SMITH: Excuse me, ninety-six present, two excused, two unexcused.

PRESIDENT GRAYBILL: A quorum is present. The journal may so show. All right, Number One: Reports of Standing Committees.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Two: Reports of Select Committees.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Three: Communications.

CLERK SMITH: (Reading) State of Montana, Office of the Attorney General, Helena, 59601. CONSTITUTIONAL CONVENTION - Delegates holding another public office; PUBLIC OFFICERS - Constitutional Convention Delegates holding another public office. Chapter 1, Extraordinary Session Laws of 1971;

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Article Five, Section Three; Article Five, Section Seven; Article Nineteen, Section Eight, Montana Constitution. HELD: One. A delegate to the Constitutional Convention may not serve in another public office during his term as delegate, which term as delegate shall last until the Constitutional Convention adjourns sine die. Two. A delegate to the Constitutional Convention may serve in any public office, the term for which commences after the constitutional convention adjourns sine die. January twenty-eighth, 1972. Mr. Leo C. Graybill, President, Montana Constitutional Convention, State Capitol, Helena, Montana. Dear Mr. Graybill: I am in receipt of your letter of January 26, 1972, in which you request my opinion as to what political positions may delegates to the Convention stand for in the year 1972. Article Nineteen, Section Eight, Constitution of Montana, setting forth the provisions for calling a Constitutional Convention, provides in pertinent part: The qualifications of members [delegates] shall be the same as of the members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly. Bracketed word added. The basic qualifications for senator are set forth in Article Five, Section Three, Constitution of Montana, which provides: No person shall be a representative who shall not have attained the age of twenty-one years, or a senator who shall not have attained the age of twenty-four years, and who

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shall not be a citizen of the United States, and who shall not for at least twelve months next preceding his election, have resided within the county or district in which he shall be elected. In addition, Article Five, Section Seven, Constitution of Montana, provides: No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under the state; and no member of Congress, or other person holding an office, except notary public, or in the militia, under the United States or this state, shall be a member of either house during his continuance in office. Emphasis supplied. The provisions of Article Five, Section Seven, supra, must be considered an additional qualification for the position of senator, and therefore an additional qualification for the position of delegate to the Constitutional Convention. The Supreme Court of Michigan, in considering whether a member of the legislature could serve as a city councilman, stated in Doyle versus City of Dearborn, 121 M.W.2d 473, 477 (1963): However, home-rule cities are mandated to establish in their charters the qualifications of its officers. The word, qualifications, as used in the statute is used in the generic sense and includes qualifications to be elected to office and also qualifications to hold the office, sometimes referred to as eligibility. Thus, the prohibition against holding another office by a legislator during the term for which he was elected is a continuing qualifi-

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to hold office. As the qualifications for constitutional convention delegate are the same as those for state senator, pursuant to the provisions of Article Nineteen, Section Eight, supra, a delegate to the Constitutional Convention is bound by the provisions of Article Five, Section Seven, supra. The Montana Supreme Court stated the meaning of the additional qualification found in Article Five, Section Seven, supra, in Forty-second Legislative Assembly versus Lennon, ___M.____, 481, P2d 330, 333 (1971): Any state and local officers who are prohibited by the constitution or laws of Montana from holding more than one office may not serve as delegates to the Constitutional Convention. A delegate to the Constitutional Convention is a state officer holding a public office of a civil nature. Constitutional prohibitions against certain officers holding more than one office include state senators and representatives during the term for which they shall have been elected, Article Five, Section Seven, Montana Constitution. These restrictions prevent such officers from holding any other public office or civil office of the state, and these two terms are synonymous. Citing authority. Emphasis supplied. As delegates to the Constitutional Convention have the same qualifications as state senators, delegates are also prohibited from holding more than one public office during their term. The question of what constitutes a public office was considered by the Montana Supreme Court in State ex rel.

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Barney versus Hawkins, 79 M. 506, 257 P. 411 (1927). In Forty-second Legislative Assembly versus Lennon, supra, page 333, the court cited approvingly the requirements for a public office set forth in the Barney case, as follows: After an exhaustive examination of the authorities, we hold that five elements are indispensable in any position of public employment, in order to make it a public office of a civil nature; (1) It must be created by the Constitution or by the Legislature or created by a municipality or other body through authority conferred by the Legislature; (2) it must possess a delegation of a portion of the sovereign power of government to be exercised for the benefit of the public; (3) the powers conferred, and the duties to be discharged, must be defined, directly or impliedly, by the Legislature or through legislative authority; (4) the duties must be performed independently and without control of a superior power, other than the law, unless they may be those of an inferior or subordinate office, created or authorized by the legislature, and by it placed under the general control of a superior officer or body; (5) it must have some permanency and continuity and not be only temporary or occasional. Thus, delegates to the Constitutional Convention are prohibited during their term from holding any office which contains the five elements necessary to constitute a public office as set forth in the Barney case, supra. The restriction against dual office holding

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applies during the term for which the delegates have been elected. The Montana Constitution does not set a specific term for delegates to the Constitutional Convention, but provision was made by the Forty-Second Legislature. Chapter One, Section Seven-Six, Extraordinary Session Laws of 1971, provides: It shall be the duty of the delegates elected to assemble in plenary session in the chambers of the House of Representatives in the state capitol building in the city of Helena at ten o'clock, a.m. on January 17, 1972. The convention, which may recess from time to time, shall then remain in session as long as necessary. Emphasis supplied. The Montana Supreme Court considered the duration of the term of a delegate in Lennon, supra, stating at page 335: A delegate to the Constitutional Convention holds his position for the entire period of time the Constitutional Convention is in session. His position is permanent and continuous in the sense that it continuously exists until the duties for which it was created have been completed. As no definite duration is specified for the term of delegate, and as a delegate will serve while the Convention is in session, the term of a delegate will last until the Convention adjourns sine die. Therefore, it is my opinion that: 1. a delegate to the Constitutional Convention may not serve in another public office during his term as delegate, which term as delegate shall last until the Constitutional Convention adjourns sine die; 2. a

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delegate to the Constitutional Convention may serve in any public office, the term for which commences after the Constitutional Convention adjourns sine die. Very truly yours, Robert L. Woodahl, Attorney General of the State of Montana.

PRESIDENT GRAYBILL: Very well, we asked the Attorney General for his opinion, and we have it. Now, this Attorney General's opinion is posted on the bulletin board if you want to check that law, and we did read it to you because it is his communication and because I think it is instructive for us to understand what an Attorney General's opinion is. And, the upshot of it is that you may not hold other public offices while you are Delegates and that you are Delegates until we adjourn finally, but that you may hold other public offices, the term of which commences after we adjourn finally. Since all of the public offices for which the general election is held are going to start after next January, obviously you can run for any of those, but if there are school board or other elections, the term of which might start before we adjourn, you might be in trouble. So, that's the upshot of it and I think that ought to settle the matter. The clerk will spread the Attorney General's opinion upon the record and in the journal. Any further comment on the communication from the Attorney General?

(No response)

PRESIDENT GRAYBILL: We have Mr. Blaylock to thank

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for that. All right, Order of Business Number Four: Introduction and reference of Delegate Proposals.

CLERK SMITH: Delegate Proposal Number Sixty: A proposal amending Article Sixteen, Section Eight of the Constitution of the State of Montana to provide that counties now in existence may not be abolished without having a vote of the people. Introduced by Rod Hanson and others.

PRESIDENT GRAYBILL: To Local Government.

CLERK SMITH: Delegate Proposal Number Sixty-One: A proposal for a new constitutional section providing for equal protection of the law. Introduced by Champoux and others.

PRESIDENT GRAYBILL: Number Sixty-One to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Sixty-Two: A proposal for a new constitutional article creating a reapportionment and boundary commission. Introduced by Mrs. Katy Payne and May Nan Robinson.

PRESIDENT GRAYBILL: Number Sixty-Two to General Government.

CLERK SMITH: Delegate Proposal Number Sixty-Three: A proposal amending Article Five, Section Forty-Four of the Constitution of the State of Montana providing for legislative financial disclosure. Introduced by Vermillion and others.

PRESIDENT GRAYBILL: Number Sixty-Three to Legislative.

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CLERK SMITH: Delegate Proposal Number Sixty-Four: A proposal for a new constitutional section providing for a maximum interest rate of twelve percent. Introduced by Cate and others.

PRESIDENT GRAYBILL: Number Sixty-Four to General Government.

CLERK SMITH: Delegate Proposal Number Sixty-Five: A proposal for a new constitutional section recognizing rights of a person under the age of majority. Introduced by Monroe and others.

PRESIDENT GRAYBILL: Number Sixty-Five to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Sixty-Six: A proposal for a new constitutional section authorizing the legislature to provide for excise taxes in lieu of personal property taxes on motor vehicles, airplanes, boats, trailers and similar property. Introduced by Schiltz and Loendorf.

PRESIDENT GRAYBILL: Number Sixty-Six to Revenue and Finance.

CLERK SMITH: Delegate Proposal Number Sixty-Seven. A proposal for a new preamble to the Constitution of the State of Montana.

PRESIDENT GRAYBILL: Number Sixty-Seven--well, go ahead, excuse me. Introduced by--

CLERK SMITH: Introduced by Foster.

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PRESIDENT GRAYBILL: Number Sixty-Seven to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Sixty-Eight: A proposal to amend Article Eleven, Sections One, Three, Five and Twelve, and to repeal Sections Six, Seven and Ten of that article to provide for investment of public school funds as provided by law. Introduced by Davis.

PRESIDENT GRAYBILL: Number Sixty-Eight to Education.

CLERK SMITH: Delegate Proposal Number Sixty-Nine: A proposal for a new constitutional section in the judicial article to provide for prosecuting attorneys. Introduced by Davis and Ask.

PRESIDENT GRAYBILL: Number Sixty-Nine to Judiciary.

CLERK SMITH: That is all, sir.

PRESIDENT GRAYBILL: Very well. Final Consideration, Order of Business Number Five.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Six, Adoption of proposed Constitution.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Seven: Motions and Resolutions.

(No response)

PRESIDENT GRAYBILL: Order of Business Number Eight: Unfinished Business. The Chair would recognize Mr. Champoux.

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DELEGATE CHAMPOUX: At this time, Mr. President, it gives me great pleasure in introducing the Pages that have worked for us this week. I would like to announce their names and the cities that they come from. They will stand and then one Page will answer at the first mike to the Convention. Theresa Boschert of Billings; Carol Bossing of Lincoln; Ernie Brooner of Kalispell; David Copp of Geraldine; Bob Cure of Great Falls. And we will have a response from Carol Bossing.

MISS BOSSING: On behalf of the Pages, I would like to give you my thanks and their thanks for you to take your time that you've done this week to give us the meaningful experience that we should have, since we are going to be running this government soon and we must be capable and informed citizens of Montana to do so. We are also very proud to be a member and a part of the historical event that takes place this year and we hope that you will finish very successfully with your efforts to try and create the dynamic Constitution for the State of Montana. Thank you very much.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Mr. President, could we have entered on the journal the names of these Pages and send them a record so they can note their presence here? Thank you very much.

PRESIDENT GRAYBILL: We'll enter the names of the Pages on the journal today and we will send them a copy of the

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proceedings today so they will have it for their own personal use. Thank you very much, Pages. All right, Order of Business Number--is there any other unfinished business?

(No response)

PRESIDENT GRAYBILL: Order of Business Number Nine: Special Orders.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Ten: General Orders.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Eleven: Announcements. Mrs. Warden, you had an announcement.

DELEGATE WARDEN: You're probably all wondering where that newspaper is this morning. Well, it's all ready to go but you won't get it until Monday because the print shop doesn't work today.

PRESIDENT GRAYBILL: In this connection, the Chair would like to point out that printing does not work today and that is why you have not got your daily convention schedule. Now, the committee chairmen have got daily convention schedules and in a few moments we'll ask them to make their committee announcements orally today. Apparently this is going to happen to us once in a while on Saturday if we don't get it down to the printer early enough, so please bear with us. The same is true of the committee summaries of what they've done.

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This is tied up in printing and you will get them. It's been done but it just didn't get through printing. Now, one or two other announcements and then I'll take floor announcements. You are all aware that on Monday there will be a youth fair here in the morning, and those of you who are in town should probably drop about and observe and participate in that. The Bill of Rights is going to hold a special hearing at that time and we are appreciative of that effort. The youth fair got bogged up in changing our work week and it's a little unfortunate. I would also like to re-announce that those of you who want to make reservations for the social dinner that the Convention intends to hold Tuesday night at the Montana Club, please make those reservations. We have several but we haven't quite enough yet, so please get those in so we know what we're doing. All right, are there announcements from the floor?

Mrs. Reichert.

DELEGATE REICHERT: Mr. President, I have a pair of men's glasses on my desk and I don't know whose they are. I wish the owner would please claim them.

PRESIDENT GRAYBILL: I'm sure that someone will come up later, Mrs. Reichert.

Mr. Siderius.

DELEGATE SIDERIUS: I believe they're mine.

PRESIDENT GRAYBILL: Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. President, I have a man's

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cigar on my desk, if anyone would like to call for it.

PRESIDENT GRAYBILL: Now, the Chair would like to announce that this is for announcements and not for bragging. All right, now, I do think we ought to announce the committee hearings today. Bill of Rights?

Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President, Bill of Rights will meet at ten-thirty in the Governor's conference room.

PRESIDENT GRAYBILL: Very well. And Legislative?

DELEGATE AASHEIM: Mr. President, we have a hearing tonight at seven-thirty on district and apportionment and I hope you people will not sign up for the party on Tuesday night, to be here for the hearing on unicameral and bicameral.

PRESIDENT GRAYBILL: How did you get that through the scheduling committee? Never mind, I'll see you later. Executive?

DELEGATE JOYCE: Mr. President.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: The Executive Committee will meet in the committee room at ten-thirty at which time they will hear from Mr. Nelson and Mrs. Meloy from the State Board of Education. At eleven-fifteen, they will meet with a representative of the Legislative Council. At two p.m. this afternoon the Executive Committee will meet with former Governor Babcock in the Governor's reception room.

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PRESIDENT GRAYBILL: Very well. Judiciary? They have none shown here.

Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. President, Judiciary Committee will meet ten minutes after adjournment in Room 428-A. Our regular room is being used because it's larger, for another committee.

PRESIDENT GRAYBILL: Four-two-what?

DELEGATE PEMBERTON: Four-two-eight-A.

PRESIDENT GRAYBILL: Four-two-eight-A.

DELEGATE PEMBERTON: Right.

PRESIDENT GRAYBILL: Local Government.

Mr. Anderson.

DELEGATE ANDERSON: Room 437, ten o'clock this morning and two o'clock this afternoon.

PRESIDENT GRAYBILL: Very well. Revenue and Finance, Mr. Rygg.

DELEGATE RYGG: One-thirty this afternoon in Room 215 of the Mitchell Building.

PRESIDENT GRAYBILL: Ten-thirty and two-thirty, I guess that was, this afternoon.

DELEGATE RYGG: Ten-thirty and one-thirty.

PRESIDENT GRAYBILL: Ten-thirty and one-thirty in the Mitchell Building. Very well. Education?

DELEGATE CHAMPOUX: Education will have a public

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hearing in this hall ten minutes after adjournment, sir.

PRESIDENT GRAYBILL: Very well. Public Health?

DELEGATE HELIKER: Public Health will hold a hearing--or a meeting in either 412 or 413. It says 412 here but I was told 413--at ten o'clock this morning. There is no evening hearing, as it says on the schedule.

PRESIDENT GRAYBILL: Very well. Natural Resources? Mrs. Cross.

DELEGATE CROSS: The Natural Resources Committee will have a public hearing at ten-thirty this morning in the Senate chambers and it will deal chiefly with public trust and environment.

PRESIDENT GRAYBILL: Very well. General Government. Mr. Etchart.

DELEGATE ETCHART: Mr. President, General Government Committee will meet at ten-fifteen, Room 410, to take up the question of lotteries.

PRESIDENT GRAYBILL: Very well. The Auditor's office has asked me to announce that they will be open today from ten until two p.m. to disperse checks to Delegates. Are there other announcements?

(No response)

PRESIDENT GRAYBILL: Mr. Eskildsen will make our special recess announcement today. I have been asked to ask you to remain in your seats for one moment for a special mat-

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ter that some of the Delegates wish to have off the record, which will take place immediately following our recess, so if you'll just sit quietly for one minute after recess.

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move, pursuant to the general powers vested in the Montana Constitutional Convention, and in accordance with the provisions of Section 7-(6) of the Enabling Act [Chapter 296, Laws 1971], the Montana Constitutional Convention shall recess temporarily until nine-thirty a.m. on Tuesday, February 1, 1972.

PRESIDENT GRAYBILL: All those in favor of recessing temporarily until nine-thirty Tuesday morning say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

(No response)

PRESIDENT GRAYBILL: So ordered, and the journal may show.

(Convention recessed at 10:00 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

FOURTEENTH DAY

February 1, 1972 Convention Hall

9:38 A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will come to order. If you will all rise, we'll ask Delegate Ask to lead us in the Pledge of Allegiance.

DELEGATE ASK: (With delegates participating) I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible with liberty and justice for all.

PRESIDENT GRAYBILL: If you'll remain standing, we will have Delegate Burkhardt lead us in an Invocation.

DELEGATE BURKHARDT: Let us pray. Lift our spirits to match the beauty of the day we pray, O, God. Give us, from time to time, the reverence to sense greatness all around us in the dedication of fellow delegates, in the beauty of Charles M. Russell's work before us, and in the future, yet to be shaped, Amen.

PRESIDENT GRAYBILL: Good morning. We'll start this morning with the Reports of Standing Committees. All right, we'll take the roll call this morning by voting Aye on the voting machine.

CLERK SMITH: Delegate Holland and Delegate Murray are excused. Delegate Babcock, Mr. Swanberg, Mr. Toole.

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PRESIDENT GRAYBILL: Very well. Take the machine vote.

Aasheim	- Present	Cate	- Present
Anderson, J.	- Present	Champoux	- Present
Anderson, O.	- Present	Choate	- Present
Arbanas	- Present	Conover	- Present
Arness	- Present	Cross	- Present
Aronow	- Present	Dahood	- Present
Artz	- Present	Davis	- Present
Ask	- Present	Delaney	- Present
Babcock	- Present	Driscoll	- Present
Barnard	- Present	Drum	- Present
Bates	- Present	Eck	- Present
Belcher	- Present	Erdmann	- Present
Berg	- Present	Eskildsen	- Present
Berthelson	- Present	Etchart	- Present
Blaylock	- Present	Felt	- Present
Blend	- Present	Foster	- Present
Bowman	- Present	Furlong	- Present
Brazier	- Present	Garlington	- Present
Brown	- Present	Graybill	- Present
Bugbee	- Present	Gysler	- Present
Burkhardt	- Present	Habedank	- Present
Cain	- Present	Hanson, R. S.	- Present
Campbell	- Present	Hanson, R.	- Present

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Harbaugh	-	Present	Noble	-	Present
Harlow	-	Present	Nutting	-	Present
Harper	-	Present	Payne	-	Present
Harrington	-	Present	Pemberton	-	Present
Heliker	-	Present	Rebal	-	Present
Holland	-	Excused	Reichert	-	Present
Jacobson	-	Present	Robinson	-	Present
James	-	Present	Roeder	-	Present
Johnson	-	Present	Rollins	-	Present
Joyce	-	Present	Romney	-	Present
Kamhoot	-	Present	Rygg	-	Present
Kelleher	-	Present	Scanlin	-	Present
Leuthold	-	Present	Schiltz	-	Present
Loendorf	-	Present	Siderius	-	Present
Lorello	-	Present	Simon	-	Present
Mahoney	-	Present	Skari	-	Present
Mansfield	-	Present	Sparks	-	Present
Martin	-	Present	Speer	-	Present
McCarvel	-	Present	Studer	-	Present
McDonough	-	Present	Sullivan	-	Present
McKeon	-	Present	Swanberg	-	Present
McNeil	-	Present	Toole	-	Present
Melvin	-	Present	Van Buskirk	-	Present
Monroe	-	Present	Vermillion	-	Present
Murray	-	Excused	Wagner	-	Present

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Ward - Present Wilson - Present
Warden - Present Woodmansey - Present

CLERK SMITH: Mr. President, 98 present, 2 excused. Quorum, Mr. President.

PRESIDENT GRAYBILL: Very well. The journal may so show. Now, we'll start with Reports of Standing Committees.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Reports of Select Committees?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Communications?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Introduction and Reference of Delegate Proposals?

CLERK SMITH: Delegate Proposal Number Seventy. A proposal for a new Constitutional section providing for consumer protection. Introduced by Speer and others.

PRESIDENT GRAYBILL: Number Seventy to Public Health.

CLERK SMITH: Delegate Proposal Number Seventy-one. A proposal for a new Constitutional section providing for a merit system for State employees. Introduced by Speer and others.

PRESIDENT GRAYBILL: Number Seventy-one to Public Health.

CLERK SMITH: Delegate Proposal Number Seventy-two. A proposal repealing Article XII, Section 3, of the Constitu-

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tion of the State of Montana. Introduced by Ask and Arness.

PRESIDENT GRAYBILL: Number Seventy-two to Revenue and Finance.

CLERK SMITH: Delegate Proposal Number Seventy-three. A proposal for a new Constitutional section providing for the right of public and private employees to engage in collective bargaining. Introduced by Heliker and others.

PRESIDENT GRAYBILL: Number Seventy-three to Public Health.

CLERK SMITH: Delegate Proposal Number Seventy-four. A proposal to amend Article XI, Section 3, of the Constitution of the State of Montana to permit the Public School Fund to be invested as provided by law. Introduced by Conover and others.

PRESIDENT GRAYBILL: Number Seventy-four to Education.

CLERK SMITH: Delegate Proposal Number Seventy-five. A proposal amending Article III, Section 14, of the Constitution of the State of Montana providing compensation in eminent domain proceedings for use impairment, providing compensation to the full extent of loss and providing judicial determination of the issues of necessity in public use. Introduced by Campbell and others.

PRESIDENT GRAYBILL: Number Seventy-five to the Bill of Rights Committee.

CLERK SMITH: Delegate Proposal Number Seventy-six. A proposal for a new Constitutional Article providing for the

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regulation of public utilities. Introduced by Heliker and others.

PRESIDENT GRAYBILL: Number Seventy-six to the Public Health Committee.

CLERK SMITH: Delegate Proposal Number Seventy-seven. A proposal for a new Constitutional Article creating the Executive branch of government. Introduced by Roeder.

PRESIDENT GRAYBILL: Number Seventy-seven to the Executive Committee.

CLERK SMITH: That is all, sir.

PRESIDENT GRAYBILL: Very well. Order of Business Number Five, Final Consideration of Proposals?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Six, Adoption of Proposed Constitution?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Seven, Motions and Resolutions?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Eight, Unfinished Business?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Nine, Special Orders?

CLERK SMITH: None, sir.

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PRESIDENT GRAYBILL: Order of Business Number Ten, General Orders?

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Eleven, Committee Announcements and Notices? The Chair would like to ask you to take your daily schedule for Tuesday, February 1st and, under Natural Resources, that description should be under General Government. In other words, in the second to last box on the right-hand side, that description is the description of the General Government's hearings, not of the Natural Resources' hearings. We have, at the moment, about 68 or 70 reservations for the delegate dinner tonight at the Montana Club. Will those who have not made reservations, but intend to go, please let the Sergeant-at-Arms' office know this morning so we may notify the Club. You might take note that there is no Legislative hearing tonight if some of you have been holding off on that account. We'd also like to announce that tomorrow Larry Margolis, who is the Executive Director of the Council for Legislative Reform, I believe the name of it is, will visit the Convention. He'll be around in the afternoon and then in the evening at 7:30 P.M. tomorrow night, in this Chamber, we will have another delegates' meeting similar to the one we had with Mr. Unruh, which Mr. Margolis will address on general legislative matters. On Friday night, we have a guest coming from Nebraska, Senator Terry Carpenter, Senator of Nebraska for

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16 years and a Congressman before that, and he will be in Helena with us on Friday afternoon and Friday night. Friday night, at 7:30, we'll have a meeting. It will technically be a Legislative Committee meeting but the delegates are all invited and he also will discuss both pros and cons of the unicameral system, and he will also discuss other legislative matters that might come up. So, we have those two special outside information meetings this week. The Committee Chairmen should take notice that the meeting which we had previously scheduled for Wednesday night, has to be changed because of Mr. Margolis' visit. We will have that meeting on Thursday night. On Thursday night, we will consider, in detail, with the Committee Chairmen, Vice Chairmen and Research Analysts, the format of the Committee reports. That'll be Thursday night. Because we had to put that off until then, we are going to ask that the Committee Chairmen meet again on Friday morning during our restricted Procedural Committee time, and that Friday morning time will be devoted to discussing the problem of whether or not to have a recess, and the problem of when to take the proposed Constitution to the public for ballot. Now, the Committee Chairmen will discuss that in their meeting Friday morning and, from that meeting, we hope to have the Rules Committee formulate some sort of a resolution. It may not be a unanimous resolution but, in other words, a resolution. Then I intend to ask this Convention to debate on Saturday morning,

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the issue of how and when we want to present this matter to the public. We must settle that issue promptly because of scheduling problems. So, you ought to be thinking about that this week and discussing among yourselves what you think, and gathering what information you can. There will be a Budget Subcommittee meeting tomorrow morning at 8:00 A.M. in the President's office. The Committee Chairmen should be reapprised at this time, that they have summary reports of what they have done, to date, due tomorrow. Tomorrow, during the Convention session in the morning, we will take a period of time and we will ask each Committee Chairman to explain, in three or four minutes, to this body, the sense of where his committee is. In other words, we're going to have an oral report by each Committee Chairman, a quick, short, oral report for the benefit of the Delegates tomorrow morning as to where other committees stand. I'm sure we'll all be interested to hear about that. One other announcement, Mr. Eskildsen has asked me to announce that he does have tickets for those of you who wish to attend the Governor Anderson Appreciation Night Banquet, which is Saturday night. It is possible to get those tickets from Mr. Eskildsen. Saturday night, next. Now, are there other announcements? Mr. Martin.

DELEGATE MARTIN: Will the District 11 delegates meet over in this corner after recess?

PRESIDENT GRAYBILL: District 11 delegates on the

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west side on adjournment. Mr. Aasheim.

DELEGATE AASHEIM: The Legislative Committee ten minutes after adjournment.

PRESIDENT GRAYBILL: Legislative, ten minutes after adjournment. Mrs. Pemperton.

DELEGATE PEMPERTON: The Judiciary Committee will meet at 11 o'clock. Our room is being used until that time.

PRESIDENT GRAYBILL: Very well. Judiciary at 11:00. Mrs. Blend.

DELEGATE BLEND: Mr. President, Local Government will meet ten minutes after adjournment.

PRESIDENT GRAYBILL: Local Government, ten minutes after adjournment. Mr. Joyce.

DELEGATE JOYCE: Executive Committee, ten minutes after adjournment.

PRESIDENT GRAYBILL: Executive, ten minutes after adjournment. Other announcements? Mrs. Cross.

DELEGATE CROSS: Mr. President, I would like to announce that the Natural Resources Committee will also meet fifteen minutes after adjournment in 402 and I would also like to acknowledge this beautiful bouquet from those who signed the card, "Environmentally yours, The Majority."

PRESIDENT GRAYBILL: Very well. Are there other announcements? Mr. Dahood.

DELEGATE DAHOOD: The Bill of Rights Committee will

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meet one-half hour after adjournment and, with respect to "Environmentally yours," I think our committees are going to meet at 1:30 this afternoon on the topic of environment when I think the recipient of the bouquet has an important statement to make with respect to the environment. So, we will look forward to having as many delegates as possible there on that particular, contentious topic. Thank you, Mr. President.

PRESIDENT GRAYBILL: Perhaps Mrs. Cross should bring Exhibit A to the hearing this afternoon. Mr. Rygg.

DELEGATE RYGG: Revenue and Finance at 10:30 in the regular room.

PRESIDENT GRAYBILL: Revenue and Finance at 10:30 in your regular room. Other announcements? Very well. Oh, Mr. Kelleher.

DELEGATE KELLEHER: For the benefit of those delegates who don't read the very fine paper called the Billings Gazette, there was a superb editorial by Dan Foley of the Gazette State Bureau in last Sunday's Gazette, and I hope that those of you who haven't read it, would try to do so. Thank you.

PRESIDENT GRAYBILL: Very well. Mr. Eskildsen.

DELEGATE ESKILDSEN: Rules Committee at 8 o'clock tomorrow morning. I move we adjourn until 9:30 A.M., Wednesday, February 2nd, 1972.

PRESIDENT GRAYBILL: All in favor of adjourning until 9:30 A.M., Wednesday, February 2nd, please say Aye.

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DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

(No response)

PRESIDENT GRAYBILL: The Ayes have it and so ordered.

(Adjournment at 9:54 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

FIFTEENTH DAY

February 2, 1972 Convention Hall

9:35 A.M. Helena, Montana

PRESIDENT GRAYBILL: The House will be in order. Delegate Harbaugh will give the Invocation. Will you all please rise?

DELEGATE HARBAUGH: Let us pray. Almighty God, whose help is not far from any one of us, and whose mercy is extended to all who will seek it, cause us to maintain a humble perspective of our own ability and encourage us to seek the counsel of your Holy Spirit, that in the work before us this day, we may be at one with your great purpose in the world, Amen.

PRESIDENT GRAYBILL: We'll take the roll call by voting Aye on the voting machines, please. Oscar Anderson is excused.

CLERK HANSON: Brown, Delegate Driscoll, Delegate Drum, Delegate Felt, Delegate Etchart, Delegate Martin, Delegate Monroe.

PRESIDENT GRAYBILL: Very well. Will you take the machine vote?

Aasheim	- Present	Arness	- Present
Anderson, J.	- Present	Aronow	- Present
Anderson, O.	- Excused	Artz	- Present
Arbanas	- Present	Ask	- Present

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1	Babcock	-	Present	Eck	-	Present
2	Barnard	-	Present	Erdmann	-	Present
3	Bates	-	Present	Eskildsen	-	Present
4	Belcher	-	Present	Etchart	-	Present
5	Berg	-	Present	Felt	-	Present
6	Berthelson	-	Present	Foster	-	Present
7	Blaylock	-	Present	Furlong	-	Present
8	Blend	-	Present	Garlington	-	Present
9	Bowman	-	Present	Graybill	-	Present
10	Brazier	-	Present	Gysler	-	Present
11	Brown	-	Present	Habedank	-	Present
12	Bugbee	-	Present	Hanson, R. S.	-	Present
13	Burkhardt	-	Present	Hanson, R.	-	Present
14	Cain	-	Present	Harbaugh	-	Present
15	Campbell	-	Present	Harlow	-	Present
16	Cate	-	Present	Harper	-	Present
17	Champoux	-	Present	Harrington	-	Present
18	Choate	-	Present	Heliker	-	Present
19	Conover	-	Present	Holland	-	Present
20	Cross	-	Present	Jacobson	-	Present
21	Dahood	-	Present	James	-	Present
22	Davis	-	Present	Johnson	-	Present
23	Delaney	-	Present	Joyce	-	Present
24	Driscoll	-	Present	Kamhoot	-	Present
25	Drum	-	Present	Kelleher	-	Present

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Leuthold	-	Present	Rollins	-	Present
Loendorf	-	Present	Romney	-	Present
Lorello	-	Present	Rygg	-	Present
Mahoney	-	Present	Scanlin	-	Present
Mansfield	-	Present	Schiltz	-	Present
Martin	-	Present	Siderius	-	Present
McCarvel	-	Present	Simon	-	Present
McDonough	-	Present	Skari	-	Present
McKeon	-	Present	Sparks	-	Present
McNeil	-	Present	Speer	-	Present
Melvin	-	Present	Studer	-	Present
Monroe	-	Present	Sullivan	-	Present
Murray	-	Present	Swanberg	-	Present
Noble	-	Present	Toole	-	Present
Nutting	-	Present	Van Buskirk	-	Present
Payne	-	Present	Vermillion	-	Present
Pemberton	-	Present	Wagner	-	Present
Rebal	-	Present	Ward	-	Present
Reichert	-	Present	Warden	-	Present
Robinson	-	Present	Wilson	-	Present
Roeder	-	Present	Woodmansey	-	Present

PRESIDENT GRAYBILL: Mr. Clerk, before you announce the vote, we'll recognize Mr. Monroe to put himself on the record.

DELEGATE MONROE: Please count me present.

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PRESIDENT GRAYBILL: Very well. Mr. Monroe is present.

CLERK HANSON: Mr. President, 99 delegates present, 1 excused.

PRESIDENT GRAYBILL: Very well. The journal may so show. Reports of Standing Committees? The Chair will recognize Mr. Murray.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: We, your Committee on Rules, having had under consideration Resolution Number Three, a resolution to provide that certain citizens' suggestions be forwarded to the Legislative Council, recommend the same be adopted as amended. Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: This is a short resolution drafted and introduced by Delegate Roeder and I would ask that he speak to it at this time please.

PRESIDENT GRAYBILL: Very well. The motion is on the Rules Committee Resolution Number Two, which you have just heard Mr. Murray read, the substance of which is to give citizens' suggestions to the Legislative Council. Mr. Roeder.

DELEGATE ROEDER: Mr. President, I wonder if I might be vouchsafed just a moment or two to explain my resolution. This Convention has bent over backwards to be open and candid

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with the public. One of the devices we have employed to involve the public is delegate proposals and, if I may use an expression that was a favorite one with Governor Nutter, this is as it should be. However, I think there are some dangers in the practice of using citizen proposals or soliciting them. I think we potentially are setting up some citizens for disappointment. As we have seen, most of these proposals are the legislative nature, some with merit and some without merit. I think if we simply ignore them, we will create the impression that, after soliciting citizen involvement, we turn a blank face. I think, psychologically, this would be a very big mistake. I think it would be a great disappointment. I think the disappointment would be all the greater because I think many citizens have, in an open way, turned to us because they know that most of us aren't politicians. So, my proposal is an attempt to avoid any disappointment by setting up a regularized system of passing those on -- those that have potential legislative merit -- passing them on to the Legislature through the Legislative Council. Mr. President, there's another thought that has occurred to me in connection with these citizen proposals and, that is, I think in soliciting them, we raise the danger of creating the impression that we can see our role as one of simply responding to the vocal constituent who express their feelings. I think this is wrong. I don't think we can create the impression that we're going to sit back and wait

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for the wisdom, somehow mysteriously, to well up from the public and then we will write this into a Constitution. I think the public can exercise good judgment. It exercised good judgment in electing most of us, but I think this judgment has to be educated. We have to lead; we have to be the educators and I think this job is particularly difficult because, if we stick to our role, we are going to deal in abstractions rather than in specifics, if we are doing the right thing in writing a Constitution. I'd like to end my remarks with a quote taken from an essay dealing with the Michigan Constitutional Convention: "A Constitution is a power document. It is a charter of power but it is harder for people to get excited about the question of power, that is, who shall do it, than about issues and programs, that is, what shall be done. Power has a greater reach into the future. Program is more immediate. It takes more political insight and vision to understand power than program. To enlarge that insight and vision about power requires qualitatively improved political education." That's our job. Thank you, Mr. President.

PRESIDENT GRAYBILL: Very well. Mr. Murray.

DELEGATE MURRAY: Mr. President, by way of explanation, the committee amended the resolution in the fourth line, by inserting after the word "delivery", the words "of a copy", because the rules provide that the original citizens' suggestions be returned from the committee to the secretary and kept

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here. So, we ask that a copy of the suggestion be sent to the Legislative Council.

PRESIDENT GRAYBILL: Mr. Murray, the Chair is in doubt or confused. Are you talking about Resolution Two or Resolution Three?

DELEGATE MURRAY: Resolution Three, Mr. President -- the short one.

PRESIDENT GRAYBILL: Well, I guess that's what confused me because I thought you were talking about Resolution Two.

DELEGATE MURRAY: I thought so after you made mention of that fact. Our motion is as to Resolution Number Three -- the short one.

PRESIDENT GRAYBILL: Very well. Now, does everyone have a copy of Resolution Number Three? The Chair does not but I sent for one.

DELEGATE MURRAY: May I read it then? It's very brief.

PRESIDENT GRAYBILL: The main thing -- everyone has been given a copy. It would be among your delegate proposals and I merely want you to have it, if possible, because of a change we want to make in it. So, I call your attention to the fact that we are now talking about Resolution Number Three, to provide that certain citizen suggestions be forwarded to the Legislative Council. Mr. Clerk.

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PRESIDENT GRAYBILL: Now, I think everyone has had a chance to find it if they are going to find it. Now, would you explain the amendment you are proposing and the reason I'm doing this is, the Chair is going to ask this morning that you amend your Resolution Number Three by interlineation. The amendment is three words long and the Chair has decided not to have a separate piece of paper printed with those three words on it for you. So, we're going to do it by interlineation. Now, Mr. Murray, would you explain the amendment?

DELEGATE MURRAY: Mr. President, the amendment is in the fourth line after the word "delivery" -- "shall direct delivery," and then you insert "of a copy."

PRESIDENT GRAYBILL: Very well. So, the last phrase reads: "The Chairman of the committee shall direct delivery of a copy of the suggestion to the Legislative Council for further consideration." Now, I think we are all talking about Resolution Number Three, amended. Is there further discussion? It is my understanding, from the standing committee report, that the Rules Committee recommends that Resolution Number Three be adopted?

DELEGATE MURRAY: That is right, Mr. President.

PRESIDENT GRAYBILL: All right. Is there other discussion on Resolution Number Three? If not, all those in favor of adopting Resolution Number Three, which is a resolution providing that Committee Chairmen shall suggest that

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certain citizen suggestions deemed meritorious, be given to -- a copy of them be given to -- the Legislative Council. All in favor of that Resolution, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, no.

(No response)

PRESIDENT GRAYBILL: The ayes have it and so ordered.

CLERK HANSON: "Mr. President, we, your Committee on Rules, having had under consideration Resolution Number Two, a Resolution entitled, 'A Resolution of the Constitutional Convention of the State of Montana, Urging the Members and Staff of the Legislative Council to Give Consideration to Citizens' Suggestions Submitted to the Convention.' We respectfully report as follows, that Resolution Number Two be not adopted. Signed: Murray, Chairman."

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, Mr. Roeder dropped both resolutions into the hopper and the Rules Committee decided that, with the amendment, Resolution Number Three would do the job and Mr. Roeder concurs. So, we urge that Resolution Number Two be not adopted.

PRESIDENT GRAYBILL: Is there discussion on Resolution Number Two? You might pull that from your -- find it and you'll see what it amounts to. It's the same thing, only in a much longer form. Very well. All those in favor of

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adopting Resolution Number Two, which would be another form of sending the -- I guess we'd go on your report. All those in favor of adopting the Committee Report not to adopt Resolution Number Two, please signify by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, no.

(No response)

PRESIDENT GRAYBILL: The ayes have it and the Committee Report is adopted, which means that Resolution Number Two is not adopted. Now, may I just parenthetically say for the benefit of you Committee Chairmen, I think the way to do this to avoid excessive, additional photostating is to decide which of these you want to give to the Legislative Council, and let the Clerk's office or the President's office know. We already have one photostat of each of these matters. As the Committee Chairmen and, I suppose, the whole delegation is now well aware, many of these are duplicitous and in the event that we want to give a duplicitous one to the Legislative Council, perhaps we could devise a way to give them a copy of the suggestion and indicate the number of people who had supported it, so we aren't put to the expense of printing a thousand sheets of paper again as we have been so far. So, let's figure out which ones you want to send to the Legislative Council, if any, and after we have figured that out, we'll figure out a way to make one copy for the Legislative Council.

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All right. I think there are no more Special Committee Reports but, this morning, we have a procedure whereby we are going to ask the Committee Chairmen to give a short summary of their Committee work to date, by way of a report. In other words, a report of each Committee Chairman -- a short report indicating how their Committee has fared and where they stand. I think probably the best thing to do would be for me to go down the list of committees, skipping the Procedural Committees, in order, and if anyone is not ready and wants to be passed, I'll pass you, but we'll proceed on that basis. On that basis, I would like to call on the Chairman of the Bill of Rights Committee, Mr. Dahood. You may state your position from where you stand, sir.

DELEGATE DAHOOD: Mr. President and fellow delegates. To this date, our Committee has held seven formal notice public hearings and six committee room hearings. Twenty delegate proposals have been referred to our Committee. Some of the proposals add to the Bill of Rights, some tend to modify some of the provisions; none of the proposals, in our judgment, detract substantially from the rights of the Montana citizen under our Bill of Rights. There has been a great deal of debate and, we think misinterpretation, with respect to the right to keep and bear arms, and for the information of our fellow delegates, the Committee has asked me to state here and now, that there has never been a proposal before the Bill of

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Rights Committee, to change the present Constitutional right to keep and bear arms. We have had one proposal asking that we place within the Bill of Rights, a provision that there shall never be registration or taxation of firearms in the State of Montana. However, the National Association to Keep and Bear Arms has contacted us by telegram with over five hundred signatures and an assurance that another one thousand signatures are forthcoming, that they want the present provision in our Bill of Rights maintained. The consensus of the Committee, at this time, seems to be that we will recommend that the present provision be maintained. There are delegate proposals for abolishing capital punishment, proposals for enhancing the right of privacy in the State of Montana, for making sure that electric surveillance is guarded by the law so it will not infringe upon private rights. We have had a great deal said about the need for revising our religious liberty provision because of its excess wording, as the proponents for revision contend, and adopting in place thereof, the provision contained in the Federal First Amendment. The tentative feeling of the Committee, to some extent, is that perhaps adopting the Federal First Amendment might well be in order inasmuch as we are bound by the Supreme Court of the United States, and that First Amendment, and I think, in our judgment, adopting the Federal First Amendment is not going to change the status of the law with respect to religious liberty in the State of Montana. There

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has been a great deal of debate with respect to the need for a Constitutional provision protecting the environment in the State of Montana. A great deal has been said before our Committee and in the newspapers with relevance to what is called a public trust theory. There is some discussion in our Committee that perhaps a more proper phrase for describing the protection clause is a public benefit theory. The manner in which such a proposal would be implemented seems to be the focal point of debate. In any event, I think the Committee, in sum and substance, is satisfied that there should be a Constitutional declaration stating that we expect a lawmaking body in the State of Montana, whether it be, hopefully on my part, unicameral, or bicameral, to make sure that that high quality environment is protected. There has been some discussion already with respect to the rights of young people. We have heard their testimony in that connection. I think all of us are sympathetic toward some type of Constitutional declaration that the rights of the young people must be protected so that there will not be dissatisfaction on their part with the manner in which the adult population administers the law that affects them in their everyday activity. There is a provision, a proposal, before our Committee that all persons of the age of eighteen and over shall be adults for all purposes and entitled to hold any elective office in the State of Montana. I think there is sentiment in our Committee to refer that proposal to

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the Committee as a Whole, asking that it be approved for the reason that we think -- that once a person is an adult, he should be an adult for all purposes and, as some of us have stated, if he's brilliant enough and able enough to convince the electorate for the State of Montana, that at the age of eighteen or nineteen or twenty that he ought to be the Governor of the State of Montana, any person that magnificent ought to be the Governor of the State of Montana. We are having delegate proposals argued today and tomorrow. We hope that our fellow delegates who have initiated proposals that have been referred to our Committee, will come forward. We expect to have some of the proponents of some of the more controversial proposals before us. We invite one and all to come to our hearings today and tomorrow and Saturday at 2 o'clock. I can report, at this time, that our Committee has not reached any point of agreement or any consensus with respect to any particular proposal. At this point, they even accept the tentative opinions that I have already enunciated simply because all of our hearings are not yet completed and we do not intend to conduct such discussions, with respect to what our tentative draft will be, until such hearings have been concluded. Thank you, Mr. President.

PRESIDENT GRAYBILL: Thank you, Mr. Dahood. Mr. Aasheim of the Legislative Committee.

DELEGATE AASHEIM: Mr. President and delegates, our

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Committee has been divided into four subcommittees: Bicameral, Unicameral, Constitutional Restrictions and Reapportionment. We have had three public hearings, one on the complete Legislative Article, one on the Unicameral-Bicameral, and one on Reapportionment. Presently, we are reviewing our overview. We went over the Article and found areas in which we were in agreement and, today, we are going to review particularly those areas in which we were in disagreement. Today, we are going to consult with some legislators to get their opinions on, particularly, the Constitutional restrictions that are imposed upon the legislature. It is the thinking of the Committee that we will bring to the floor, the Bicameral and the Unicameral for a proposal and we shall make recommendations as to whether or not the proposal will be presented to the people for their acceptance or rejection. Of course, you will help us decide that, but we will make the recommendation. I have nothing further to comment as to our progress, except to say that by this Saturday, we shall have our rough draft ready so that the press will have the sense of the Committee as to the various areas in which we have discussed the Legislative Article.

PRESIDENT GRAYBILL: Thank you, Mr. Aasheim. Mr. Joyce.

DELEGATE JOYCE: Mr. President, the Executive Committee has held no public hearings as yet. We have been

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holding meetings and we have summoned to our Committee, or requested, the attendance of the present Governor, ex-Governor Babcock, all of the elected officials, the State Examiner, members of the State Board of Equalization, the head of the Revenue and Administration Committees or Divisions of State Government, Board of Education representatives, the Reorganization Directors, the Administrator of the Land Board, the Legislative Auditor and the Adjutant General. On our Committee, the issues that remain -- we have not resolved any of them as we see them. The big question is which of the -- how many of the presently elected officials shall be retained as Constitutional offices. The second issue, which is closely allied thereto, is how many of the Constitutional boards on which the elected members serve, will continue to be Constitutional boards. This cuts us across the Education Committee in that the Superintendent of Public Instruction is on that board and it also cuts us across those committees that are dealing with the Land Board in that four of the elected officials are on that Board. We are going to have a joint meeting today with the Education Committee to hear from the Superintendent of Public Instruction in that connection. The next question that is before our Committee is the veto powers of the Governor. We hope to confer with the Legislative Committee before we make any resolution in that connection. The fourth major issue before our Committee is what to do with the Lieutenant Governor

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and the powers of succession, and whether we can make the office of Lieutenant Governor more attractive than John Nance Garner inelegantly described the vice presidency some years ago. Those are our principle areas. We have not -- we have deliberately, so far, refrained from making any -- arriving at any decisions on any of these issues, until such time as we would hear from the people whom we think have something relevant to say. We are planning, this week, to start running our individual ideas around the table. Each member of the Committee reserves the right to change his position without notice and several times it is necessary; but, we will, we hope come out with some consensus. We have two delegate proposals before us; one, relative to a Constitutionally established Wage Commission and we are going to get a proposal, I understand, on having a parliamentary system of government from Delegate Kelleher. So, next Saturday at 1:30 P.M., in the Governor's reception room, the Executive Committee will hold its first public hearing in which we will discuss the present Executive Article, all delegate proposals that have been introduced pertaining to the Executive Article, the parliamentary system of government, the veto power, and any and all matters pertaining to the Executive branch of the State government in the Executive Article of the Constitution so, all ye who have cause to be heard before the Executive Committee can draw an eye at that time and the Committee will give you its undivided atten-

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tion. Thank you, Mr. President.

PRESIDENT GRAYBILL: Thank you, Mr. Joyce. Mr. Holland, Judiciary.

DELEGATE HOLLAND: The Judiciary Committee has held seven public hearings, including three days principally devoted to proponents of the Montana Plan, a public hearing in consideration of the Supreme Court, a public hearing principally to the subject of District Courts, one to the subject of Justice of the Peace courts and a public hearing principally to the subject of county attorneys. Scheduled for today, we have a public hearing on the Clerks of District and Supreme Courts and public hearings have been set for this Thursday and Friday for consideration of opponents of the Montana Plan and all other witnesses. Tentative votes have already been taken in our Committee as to the feeling of the various members upon the various facets of the Judicial Article. As of today, we are going to appoint subcommittees to write drafts and will appoint chairmen for each subcommittee to write the drafts. At the present time, it appears that there will be at least two drafts written, possibly three. None of the members are committed to any one thing yet. All reserve the right to change and to go to any one of the various proposals that are put up here. It is expected that the final reports from the chairmen of these committees will be due on February 8th, 1972. The Romney Hearing has not yet been held but will be heard on the

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date scheduled and we have been contacting tentative speakers to present various viewpoints at this meeting. It is expected that we will have our final report ready for the -- to be submitted to the Constitutional Convention -- on the date set, February 16th.

PRESIDENT GRAYBILL: Thank you, Mr. Holland. Mrs. Blend, the Local Government Committee Vice Chairman.

DELEGATE BLEND: Mr. President, the Local Government Committee has concluded five days of hearings which were well attended, sometimes to capacity. Testimony came from a wide variety of sources, including the League of Cities and Towns, the County Commissioner's Association and the group representing other county officials. Interested citizens, individual city and county officials, political scientists and the Director of the National Municipal League also have testified before our Committee. The Committee now is involved in accomplishing hearings of formal delegate proposals and citizens' suggestions. Each delegate who has submitted a proposal that has been referred to the Local Government Committee, will be invited to appear before the Committee to explain his or her proposal. In addition, several Committee members have submitted informal, working drafts which should be of considerable assistance. It is hoped that consensus can be reached on several of the major items before the Committee by the end of this week. Several matters pertaining to Local Government have

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been assigned to other committees. Either through informal communication or formal meetings, the Local Government Committee is keeping itself informed of related actions in other committees, including Judiciary, Legislative, Revenue and Finance and General Government. Nine sections, eight in Article XIV and one in Article XIX, have been assigned to the Local Government Committee. The Committee has agreed tentatively to delete two of these sections and to revise and, where possible, combine the others. In that regard, the Local Government Committee may face a somewhat unusual problem. We are all well aware of instances in which the present Constitution is overly detailed. However, in terms of Local Government, some of the greatest problems have arisen over Constitutional silence concerning what powers cities and counties should have. In other words, our job extends considerably beyond simply pruning out of date provisions from the 1889 Constitution. Committee progress, particularly in the last four meeting days, has been very gratifying. At this point, we fully expect to report out a much improved Local Government Article well within our time schedule. Thank you, Mr. President.

PRESIDENT GRAYBILL: Thank you, Mrs. Blend. Revenue and Finance, Mr. Rygg.

DELEGATE RYGG: Mr. President and fellow delegates, I want to report on the Mitchell gang. This gang consists of the notorious nine who were apparently banished from the

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Capitol Building. Apparently, they were banished because it was rumored that they were going to make the new Constitution read in such a manner that the legislators could raise enough money to take care of all the needs and wants of the Montanans. Since that time, however, it has been decided that a disinterested party must be named in order to differentiate between the wants and the needs. I can now report that this gang is holed up across the street and completely surrounded by the Montana State revenuers. The revenuers report that they had been in contact with this gang and have now sent in their special team called the Board of Equalization to negotiate with this group. At first, there hasn't been much meeting of minds but now the Board reports that we think progress has been made as the Board has assured the gang that Montanans really don't mind taxes; they just want to make sure the other guy pays them.

(Applause)

Enough of that. Revenue and Finance Committee has been given Articles XII, XII, XXI and Sections 5 and 6 of Article XI. It is our hope that we can condense these three Articles into about one-third of the original wording. I think there are about forty-four sections in all and, I believe, we'll probably get them down to about fifteen or sixteen and we'll probably suggest one or two articles and, of course, that will be up to the drafting to change that, but we are going to reduce

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them considerably, I'm quite sure. We have subcommittees working on Twenty-one and Thirteen and one on Twenty-one is pretty far along and I expect we'll have a report from them momentarily. We think this full article can possibly be reduced to maybe two sections. The other subcommittee isn't quite as far along but I think I can assure you that they will provide for a tax limit that is not stated in dollars but rather a ceiling that will fluctuate with either a taxable evaluation or some other criteria. We have another subcommittee working, too, on Sections 5 and 6 of Article XI. This is rather a large committee. It is headed by Rich Champoux and they plan to give us their findings on February 8th. The general hearings that we had last week were not well attended. In fact, if we hadn't invited people, we would probably have had very few there. I will say though, that the testimony that we have had, and especially from the State officials, has been excellent and very informative for the Committee. About the only issue that seems to require a public hearing is that of the Anti-diversion Amendment and we have called this hearing for Friday, February 4th at 1:30 in the Senate Chambers. The other issues of any interest at all seems to have been the sections on mining taxation although it is possible that the section of exempting charitable institutions might have some discussion later. We are now working on a skeleton article for the Romney Hearing and, of course, we will have it ready

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on the 10th and we will have our draft completed on February 17th. While I'm on my feet, I see we aren't listed here, I will tell the Committee we do have a meeting at 10:30 and I thank you, Mr. President.

PRESIDENT GRAYBILL: Thank you, Mr. Rygg. The President would only comment that I was surprised to hear that the Mitchell gang had now disclosed its location. We thought your purpose in leaving the Capitol was to keep away from the rest of us so we couldn't get at you. (Laughter) I'll call next on Mr. Champoux for Education.

DELEGATE CHAMPOUX: Mr. President, the Education and Public Lands Committee has held seven public hearings. We have deliberated all aspects of education. We have held a joint meeting on public lands with the Natural Resources Committee. We have received, so far, six delegate proposals. I understand two more are coming in on the Board of Regents. Most of our proposals are on financing with one on a proposal not to change the section on no State aid to nonpublic schools. While we are on that subject, we held an entire day's meeting last Saturday on that. There have been twenty witnesses before the Committee on this business of State aid to nonpublic schools. Of those twenty witnesses, seventeen have testified that they want no change in the Constitution; three of them have testified that they would like a change. Of the seventy citizens' suggestions we have received, fifty of them have been

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on this subject; forty-seven of them want no change in the Constitution and three would like a change. There have been other interesting little developments that come up here and there. For instance, on this business of the changes in the Constitution. What I am speaking about here is the six to twenty-one limitation. One of the interesting comments that has been made in that area -- one would assume that most people would want to get rid of that but we have had some people that want to keep it -- on the lower end, to keep babysitting out of the schools. On the business of public lands, there has been much discussion on access. A lot of people are interested in using these lands. The multiple use concept has come in for quite a bit of discussion. On the other hand, the opposing arguments have been based on the idea of trust and responsibility -- in terms of the State Land Board and the people that are leasing it. In the same area, we have had quite a bit of development on this 2½% diversion of the State school lands money for improvement of the land and to the satisfaction, I think, of the committee -- I can speak, I think, for the committee on this -- we were much impressed with what has been done with this 2½% and what has accrued because of it. Mr. Drum will be pleased to hear that. The business of the Constitutional status of the county superintendent of schools has been discussed. Lots of people have come in to talk to us about that , principally county superintendents of schools. The State

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Boards of Education have been discussed in a lot of detail. There is much support, I feel, for a Board of Regents. We are going to be discussing two proposals on that, that are tentative and also the business about the election or appointment of the Superintendent of Public Instruction. We are going to have a full public meeting with the Executive Committee this afternoon at 2 o'clock on that in the Senate Chambers. The other thing that has taken up quite a bit of our time has been this business of financing public education and the implications of the Serano v. Priest Decision. We are going to be going into that in much more detail next Monday or next Tuesday, but it comes up continuously. The other subject is the business of State and local responsibility for providing and supporting public education and the word we are hung up on is support. What does that mean in terms of specifics and how specific should we get on this? As far as decisions on any of these are concerned, deliberations will begin today on a tentative draft. I want to make only one other comment while I'm here. On our daily convention schedule, you'll notice that we have a hearing this morning on community colleges and vocational rehabilitation. I want to add that, in case Mr. Driscoll is suspicious -- he isn't here, well, anyhow -- thank you, sir.

PRESIDENT GRAYBILL: Very well. Thank you, Mr. Champoux. Next, Public Health, Mr. Heliker.

DELEGATE HELIKER: Mr. President, the Public Health

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Committee has before it the following major subjects, which are being considered or are in prospect. The first is the virtual deletion of Article XV on corporations other than municipal with the possible proposal of a shorter Article. I may say that if any Delegate or member of the public present, has knowledge of a reason to retain any Section of Article XV, we would appreciate if he or she would come forward. We have had some difficulty in securing expressions of opinion from city officers and from representatives of other interested parties on this subject. Second Article before us is Article X on state institutions, Sections 1 and 5. Our disposition at the present time is to simply consider Section 1, and to revise Section 5, so as to shift responsibility for welfare funding toward the state and away from the county. Another subject under consideration is inclusion of a Section in the Bill of Rights defining the right to basic necessities of life. This is Proposal Number Forty-five, which will be considered jointly with the Bill of Rights Committee. A fifth subject is a proposal to guarantee a state -- or establish a state merit system -- for public employees. A sixth is a proposal for consumer protection section. With regard to Article XVIII, the labor Article, we have been considering and have held numerous hearings, on the following subjects: convict labor, the prohibition of child labor in dangerous occupations, the eight-hour day, the right to work, the right of private employees to

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bargain collectively, the right of public employees to bargain collectively, the right of public employees to strike. A final subject before the committee is the public utility regulation, Proposal Number Seventy-six. The committee has heard testimony on all the subjects enumerated except for the proposals relative to consumer protection, the merit system and public utility regulation. The groups represented by testimony before the committee include the Department of Labor and Industry, the Montana AFL-CIO, the Employment Security Commission, the American Federation of State, County and Municipal Employees, Secretary of State's office, Department of Institution, the Cascade County Commissioners, the State Department of Welfare, the Montana State Low Income Group, the Railroad and Public Service Commission, Department of Revenue, the State Auditor's office and the Anaconda Company. The committee is awaiting recommendations from the Railroad and Public Service Commission, the State Real Estate Commission and members of the University Law Faculty. The committee has discussed Articles on the nonmunicipal corporations and welfare and is currently awaiting subcommittee reports. It is expected that the subcommittees will report this week and that the committee will be able to draft some definite language on those Articles before the end of the week. The committee has scheduled hearings on labor and on public utility regulation on various dates from February 2nd to the 10th. The committee will hold evening

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meetings during that period to develop proposals for submission to the Committee as a Whole on all four topics. The Romney Hearing for the Public Health Committee is scheduled for February 11th and our final Committee Proposal will be in final form by February 18th. With regard to the hearings scheduled, we have scheduled hearings this week on all topics relating to labor Article or any subject having to do with labor, including Proposal Number Seventy-three today, tomorrow Proposal Number Seventy-one on the merit system proposal. February 3rd at 3:00 o'clock in the afternoon, a joint hearing with the Bill of Rights Committee on Proposal Number Forty-five. Beginning on Saturday morning and continuing all day Saturday, and in the mornings of the 8th, 9th and 10th of next week, hearings on the public utility regulation, Proposal Number Seventy-six. On the morning of the 8th, Proposal Number Seventy on consumer protection. I am pleased to be able to announce that Senator Lee Metcalf has accepted my invitation to appear and testify before our committee on the public utility regulation proposal, on February 10th at 10 A.M., which hearing will be held in the Senate chamber. Thank you.

PRESIDENT GRAYBILL: Thank you, Mr. Heliker. Now, Mrs. Cross, Natural Resources, please.

DELEGATE CROSS: Mr. President and Delegates, at the conclusion of the second week of the Constitutional Convention, the Committee on Natural Resources and Agriculture

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has, I believe, caught up with those committees which had the benefit of informational input from the Commission staff. In order to do this, and beginning on last Wednesday, January 19th, a series of informal meetings were held daily and covered all aspects of natural resources; namely, water and water rights, wildlife, minerals, air, forests, and timber in public lands. In addition, this committee has reviewed and discussed the assigned articles in the present Constitution. They include Article III, Section 15, on water use; Article XVII, public lands; Article XVIII, Section 1, the Department of Agriculture; and Article XIX, Sections 3 and 7, also dealing with public lands, and we also reviewed Article XII, Section 9, which deals with the livestock mill levy. The conclusions reached and the recommendations made on these particular articles and sections are in Report No. 6 which was entitled, "The Legislative Council Report on the Montana Constitution," and have also been reviewed by this committee. Citizens' suggestions referred to this committee, as well as letters to the individual committee members, have been read and reviewed by the entire group. Delegate Proposals One, Two, Twelve, Twenty, Twenty-one and Forty-eight, all of which deal directly or indirectly with the natural resources, have also been studied and our committee is up to date on those. I am also pleased to report that three formal, public hearings have been held. On Thursday, January 27th, a joint meeting was held with the Education and Public

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Lands Committee. On Saturday, January 29th, dealing with public trust in the environment and February 1st, a joint hearing with the Bill of Rights Committee and the Natural Resources and Agricultural Committee. We have hearings scheduled from February 2nd to the 5th and I would like to mention that the fact remains that we have a formal public hearing and I understand that two gentlemen, one representing the Peabody Coal Company and the other the Western Energy Company, will be here to tell us about their reclamation plans. So, those delegates who may be interested are invited to attend and we will meet upon adjournment this morning.

PRESIDENT GRAYBILL: Thank you, Mrs. Cross. General Government, Mr. Etchart.

DELEGATE ETCHART: Mr. President and fellow delegates, the Committee on General Government and Constitutional Amendment has been meeting each session day acquainting itself with and hearing testimony on the areas that have been assigned to the committee. The committee has used an informal system to accomplish this end. In the hearings held before last week, the committee went over the assigned areas article by article, and discussed the presented background research material. The next week, January 25th to January 28th, was devoted to general hearings with individual topics scheduled for each day. During its general hearings, the committee would hear testimony from interested parties and discuss the issues in depth.

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The general areas assigned to the committee are constitutional revision, which is mainly Article XIX, Sections 8 and 9; the processes of initiative, referendum and recall, which is Article V, Section 1; constitutional establishment of an oath, which is Article XIX, Section 1; state boundaries, which is Article I; suffrage and elections, Article IX; lotteries, Article XIX, Section 2; distribution of powers, Article IV, in some areas of Federal-State relations, which is Ordinance I, Sections 5 and 6. In miscellaneous areas, it can best be described as general government topics. The committee members would discuss each topic and attempt to iron out any points of contention in order to help the individual members of the committee to form a better opinion on each topic. Then, in each area, one or more of the committee members would, with the help of the committee, draft and introduce a delegate proposal. The purpose behind this was to give the committee something concrete with which to work. The proposal also gives both the convention and the public, a better idea of how the subject matter assigned to the committee might be handled. I would recommend to my fellow delegates that they study the delegate proposals assigned to this committee, if they want to get a pretty good idea of what the thinking of the committee is at this point. Let me also stress that the committee did not, on any subject, make an official, binding decision on the disposition of any of these topics. The committee is merely working

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to establish groundwork for the ultimate disposition of the subjects. This groundwork is often composed of committee consensus on certain subjects but we have never taken final decisions. Such decisions were deliberately not made, as the committee feels that such action, prior to specific hearings to be held the week of February lst to 5th, would be premature and improper. We want the committee to retain an open mind on all matters until we have all the information available for us. At this point, it would be appropriate to give a brief discussion on the areas of controversy before the committee. The controversial areas in constitutional revision and amendment are all related to the structuring of these processes. The same basically holds true of the areas of initiative and referendum, though in these areas, there is also the question of the scope of the processes. As for recall, a device relatively foreign to Montana, the issues concern its creation, scope and structure. In the area of suffrage and election procedures, the constitutional issues fall mainly in the scope of how much structuring of these areas should be included in the Constitution. General Government is somewhat of a catchall area in encompassing the issues of oath, lotteries, distribution of powers, some areas of Federal-State relations, and miscellaneous subjects. The issues in these areas vary with each individual topic. The committee is scheduled to turn in three reports to the Convention. The first two, suffrage and

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elections and constitutional amendment and revision, are due on February 12th and the third, General Government, is due on February 19th. For the information of the members of the Committee, we will be meeting on adjournment and we will take up Delegate Proposals Number Twenty-nine and Forty-seven today. Thank you.

PRESIDENT GRAYBILL: Thank you, Mr. Etchart. The Chair would like to thank all of the Committee Chairmen for their reports, which I thought were excellent and useful to myself and the delegates. The Chair would also like to express to the entire body, my real gratitude for the hard work that has been done. I think it is really amazing how much information we have been able to assemble and assimilate in the past two weeks and I certainly think it's timely for me to express my view that you've done an excellent job as a group and we have certainly gotten a good start on the Convention. I am quite hopeful, in terms of our schedule, because of all the work that has been done. I don't want to mislead anybody because you'll see in about two minutes that the delegate proposals are beginning to roll in today and there's a lot more work to do. However, I think that, to date, we have certainly taken hold quickly and done a great deal of work and I want to congratulate the delegates and the committees on the work they have done. I think that concludes Reports of Standing Committees. Are there any reports of Select Committees?

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CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Any Communications?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Introduction and Reference of Delegate Proposals, Order of Business Number Four.

CLERK HANSON: Mr. President, Delegate Proposal Number Seventy-eight. A proposal for a new Constitutional section providing for equal opportunity for employment. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Studer and others.

PRESIDENT GRAYBILL: Number Seventy-eight to Public Health.

CLERK HANSON: Delegate Proposal Number Seventy-nine. Introduced by McNeil. A proposal amending Article IV, section 1, of the Constitution of the State of Montana, providing for distribution of governmental powers to subdivisions of the State. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Seventy-nine.

PRESIDENT GRAYBILL: Number Seventy-nine to Local Government.

CLERK HANSON: Delegate Proposal Number Eighty. A proposal amending Article XII, 1b, of the Constitution of the State of Montana relating to highway fees and license tax. Be it proposed by the Constitutional Convention of the State of Montana. Introduced by Toole and others. Delegate Proposal

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Number Eighty, Mr. President.

PRESIDENT GRAYBILL: Number Eighty to Revenue and Finance.

CLERK HANSON: Delegate Proposal Number Eighty-one. Introduced by Harrington and others. A proposal for a new Constitutional section providing for religious liberty and repealing Article III, section 4, Article V, section 35, and Article XI, section 8, of the present Constitution. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-one, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-one to Bill of Rights.

CLERK HANSON: Delegate Proposal Number Eighty-two. Introduced by Brown. A proposal for five new Constitutional sections concerning the elective process. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-two, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-two to General Government.

CLERK HANSON: Delegate Proposal Number Eighty-three. Introduced by Jacobson. A proposal for a new Constitutional section providing for acquisition of historic sites. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-three, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-three to Natural

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Resources.

CLERK HANSON: Delegate Proposal Number Eighty-four. Introduced by Brown. A proposal repealing Article I, section 1, of the Constitution of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-four, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-four to General Government.

CLERK HANSON: Delegate Proposal Number Eighty-five. Introduced by Rollins. A proposal for a new Constitutional Article providing for the Montana University system. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eight-five, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-five to the Education Committee.

CLERK HANSON: Delegate Proposal Number Eighty-six. A proposal repealing the Preamble of the Constitution of the State of Montana and having a new Preamble. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-six, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-six to Bill of Rights.

CLERK HANSON: Delegate Proposal Number Eighty-seven. Introduced by Foster and Skari. A proposal for a new Constitutional section providing for the rights of those under the

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age of majority. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-seven, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-seven to the Bill of Rights.

CLERK HANSON: Delegate Proposal Number Eighty-eight. Introduced by Cate. A proposal amending Article III, section 18, of the Constitution of the State of Montana concerning self-discrimination. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-eight, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-eight to the Bill of Rights.

CLERK HANSON: Delegate Proposal Number Eighty-nine. Introduced by Anderson and others. A proposal repealing Article XVI, section 1, 2 and 8, of the Constitution of the State of Montana and combining the intent of those sections in a new section on county boundaries and county seats. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Eighty-nine, Mr. President.

PRESIDENT GRAYBILL: Number Eighty-nine to Local Government.

CLERK HANSON: Delegate Proposal Number Ninety. Introduced by Brazier. A proposal for a new Constitutional section permitting the legislature to provide for disqualifi-

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cation of judges. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Ninety, Mr. President.

PRESIDENT GRAYBILL: Number Ninety to Judiciary.

CLERK HANSON: Delegate Proposal Number Ninety-one. Introduced by Cain and others. A proposal for a new Constitutional section providing equal educational opportunity for all students. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Ninety-one, Mr. President.

PRESIDENT GRAYBILL: Number Ninety-one to Education.

CLERK HANSON: Delegate Proposal Number Ninety-two. Introduced by Arness and Blend. A proposal for a new Constitutional Article vesting judicial powers in a Court of Appeals and inferior courts. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Ninety-two, Mr. President.

PRESIDENT GRAYBILL: Number Ninety-two to Judiciary.

CLERK HANSON: Delegate Proposal Number Ninety-three. Introduced by Siderius. A proposal amending Article III, section 3 and 11, of the Constitution of the State of Montana and adding a new section to that Article, the Bill of Rights to provide for collective bargaining. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Ninety-three, Mr. President.

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PRESIDENT GRAYBILL: Number Ninety-three to both the Bill of Rights Committee and the Public Health Committee jointly. I call your attention to the fact that you have a joint hearing set on another bill and you better add this one to that hearing.

CLERK HANSON: Delegate Proposal Number Ninety-four. Introduced by Habedank. A proposal for four new Constitutional sections providing for Constitutional amendment. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number Ninety-four.

PRESIDENT GRAYBILL: Number Ninety-four to General Government.

CLERK SMITH: Delegate Proposal Number Ninety-five. A proposal for a new Constitutional section providing for creation of auxiliary canvassing boards. Introduced by Erdmann and others.

PRESIDENT GRAYBILL: Number Ninety-five to General Government.

CLERK SMITH: Delegate Proposal Number Ninety-six. A proposal for a new Constitutional Article on irrigation and water rights. Introduced by Erdmann and others.

PRESIDENT GRAYBILL: Number Ninety-six to Natural Resources.

CLERK SMITH: Delegate Proposal Number Ninety-seven. A proposal for a new Constitutional Article providing for

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local government. Introduced by Ask.

PRESIDENT GRAYBILL: Number Ninety-seven to Local Government.

CLERK SMITH: Delegate Proposal Number Ninety-eight. A proposal for two new Constitutional sections protecting the rights of prisoners. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number Ninety-eight to Bill of Rights.

CLERK SMITH: Delegate Proposal Number Ninety-nine. A proposal for a new Constitutional Article providing for a city manager form of government. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number Ninety-nine to Local Government.

CLERK SMITH: Delegate Proposal Number One Hundred. A proposal for a new Constitutional section prohibiting involuntary servitude a part of each week except for necessary and recreational services. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number One Hundred to Bill of Rights.

CLERK SMITH: Delegate Proposal Number One Hundred One. A proposal for a new Constitutional section limiting campaign spending for the legislature. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number One Hundred One to Legislative.

CLERK SMITH: Delegate Proposal Number One Hundred

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Two. A proposal for a new Constitutional section authorizing financial support for private colleges and universities provided they can guarantee freedom of thought. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number One Hundred Two to Education.

CLERK SMITH: Delegate Proposal Number One Hundred Three. A proposal for a new Constitutional section guarantying a right to be born and a right to die. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number One Hundred Three to Bill of Rights.

CLERK SMITH: Delegate Proposal Number One Hundred Four. A proposal for a new Constitutional section reserving to the people of Montana all subsurface rights except under school and Indian lands. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number One Hundred Four to Natural Resources.

CLERK SMITH: Delegate Proposal Number One Hundred Five. A proposal for a new Constitutional section guarantying equal pay for equal work for government employees. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number One Hundred Five to Public Health.

CLERK SMITH: Delegate Proposal Number One Hundred Six. A proposal amending Article XIX, section 8, of the Con-

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stitution of the State of Montana providing for future Constitutional Conventions. Introduced by Arbanas.

PRESIDENT GRAYBILL: Number One Hundred Six to General Government.

CLERK SMITH: Delegate Proposal Number One Hundred Seven. A proposal for a new Constitutional Article providing for joint election of the Governor, Lieutenant Governor and Attorney General. Introduced by Arbanas.

PRESIDENT GRAYBILL: Number One Hundred Seven to Executive.

CLERK SMITH: Delegate Proposal Number One Hundred Eight. A proposal for a new Constitutional section providing for county election on alternative forms of government. Introduced by Eck and others.

PRESIDENT GRAYBILL: Number One Hundred Eight to Local Government.

CLERK SMITH: Delegate Proposal Number One Hundred Nine. A proposal for a new Constitutional section allowing income taxpayers to contribute one dollar to party of their choice. Introduced by Kelleher.

PRESIDENT GRAYBILL: Number One Hundred Nine to Revenue and Finance.

CLERK SMITH: Delegate Proposal Number One Hundred Ten. A proposal for a new Constitutional section limiting the number of times a person may succeed himself in office. In-

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troduced by Geoffrey L. Brazier.

PRESIDENT GRAYBILL: Number One Hundred Ten to Executive.

CLERK SMITH: Delegate Proposal Number One Hundred Eleven. A proposal amending Article XIX, section 2, of the Constitution of the State of Montana to prohibit gambling as a means of financing the State government and to permit charitable or nonprofit organizations to engage in gift enterprises. Introduced by Harbaugh and others.

PRESIDENT GRAYBILL: Number One Hundred Eleven to General Government.

CLERK SMITH: Delegate Proposal Number One Hundred Twelve. A proposal for a new Constitutional section providing that the State not engage in the wholesale liquor business. Introduced by Jacobson and others.

PRESIDENT GRAYBILL: Number One Hundred Twelve to General Government.

CLERK SMITH: Delegate Proposal Number One Hundred Thirteen. A proposal for a new Constitutional section providing for a Teachers' Salary Equity Board. Introduced by Roeder.

PRESIDENT GRAYBILL: Number One Hundred Thirteen to Education. Now, the Chair would like to remind the delegates that tomorrow morning is the final day for submission of proposals -- tomorrow is the final day for submission of delegate proposals. So, if you have other delegate proposals in the

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works, please get busy on them. Order of Business Number Five, Final Consideration?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Six, Adoption of Proposed Constitution?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Seven, Motions and Resolutions?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Eight, Unfinished Business. The Chair would call on Mr. Champoux.

DELEGATE CHAMPOUX: At the suggestion of a number of people, Mr. President, we have decided to introduce the pages earlier in the week. At this time, I would like to introduce the pages and one of them will respond. Jeanne Driscoll from Butte. Would you please stand as we call your name? Debbie McCallum from Hot Springs. Nancy Elliott from Havre. Steve Davis from Dillon and, I suspect, that's Delegate Carl Davis' son, is that correct?

PRESIDENT GRAYBILL: Yes.

DELEGATE CHAMPOUX: Doug Diehl from Winston. Mary Rygg from Kalispell and this is the daughter of a fellow delegate, Sterling Rygg. I think we ought to give these young people a good hand.

(Applause)

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PRESIDENT GRAYBILL: Mr. Driscoll.

DELEGATE DRISCOLL: Mr. President, I don't know what the Honorable Chairman has against me but one of those kids up there happens to be my daughter also.

(Applause)

PRESIDENT GRAYBILL: Mr. Champoux, did you have any particular doubt about that matter?

DELEGATE CHAMPOUX: No, but she was so good looking that I couldn't imagine --

(Laughter)

PRESIDENT GRAYBILL: Very well. Go ahead, young lady.

DEBRA McCALLUM: Members of the Convention. The pages of the third week would like to express our appreciation to you for letting us be a part of this, the making of a future Montana. This experience is going to be one of a great educational value for all of us and we sincerely hope that we can aid you in any way in writing a lasting Constitution for the State of Montana. Thank you.

(Applause)

PRESIDENT GRAYBILL: The names of the pages introduced and the fact that they are here with us this week will be entered in the journal and in the proceedings and copies of the proceedings will be given to these young pages for their own personal use. We are very happy to have you here and we

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are looking forward to having a good week with you. Order of Business Number Nine, Special Orders?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Ten, General Orders?

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number Eleven, Announcements? The Chair would like to have you note on your daily schedule that the Committee Chairmen announcement there is incorrect. This is the meeting that we cancelled tonight so that we could hear Mr. Margolis. Now, Larry Margolis, Executive Director of the Commission on Reforming the State Legislature -- that's not the right name, but anyway -- he's going to be with us this afternoon and there will be a delegate meeting of all delegates, just like now except off the record, in the House Chamber here at 7:30 tonight -- in the Convention Chamber here at 7:30 tonight -- to hear Mr. Margolis talk and he will also be around, we hope, this afternoon to visit with some of you. Because of that, the Committee Chairmen meeting which is shown there, should be striken and I think the Committee Chairmen are all aware that that meeting will be held at 7:30 tomorrow night instead and that the format of the committee proposal booklets will be the prime topic of discussion. Are there other announcements that are not shown on the daily convention schedule? Mr. Aasheim.

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DELEGATE AASHEIM: The Legislative Committee at 11:00 o'clock. I would also like to announce again the meeting Friday night with Mr. Carpenter from Nebraska, who will discuss the Unicameral Article.

PRESIDENT GRAYBILL: On Friday night, it's another meeting here with Mr. Carpenter from Nebraska. Mr. Holland.

DELEGATE HOLLAND: (Inaudible -- speaker not turned on) -- ten minutes after adjournment.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Mr. President, Executive twenty minutes after adjournment.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, Rules and Resolutions at 8:30 in the morning.

PRESIDENT GRAYBILL: Mrs. Blend.

DELEGATE BLEND: Mr. President, Local Government will meet at 11:15 in room 437.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: Education Committee, five minutes after adjournment, please.

PRESIDENT GRAYBILL: Mrs. Bates.

DELEGATE BATES: Mr. Chairman, I wish to announce to this Convention that the bicameral legislative proposal is now printed and it will be ready to be submitted and if there are others that would like to sign it -- I have a number

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of signatures on it now -- but you can do so immediately after this meeting. Thank you.

PRESIDENT GRAYBILL: Very well. Mr. Kelleher.

DELEGATE KELLEHER: Mr. President. This Sunday, I plan to go to Edmonton. We are going to leave about 1:00 o' clock in the afternoon. Edmonton, for the benefit of the delegates who are not familiar with our Canadian cousins to the north, is the Riviera of Canada. It is six degrees above zero in Canada -- in Edmonton. I plan to be up there all day Monday, which is a nonwork day, visiting with the leadership of the new government. Very fortunately, for us, Canada has just changed their leadership. They had elections last October and they are getting ready for their new legislature so we will have an opportunity to discuss with them the problems of transferring of government -- of transition of government. We'll be able to be up there Tuesday morning and fly back Tuesday afternoon and get back to Great Falls about 4:00 o'clock, so we can be back in Helena on Tuesday evening for our Tuesday evening committee meetings. So, we won't waste any time. We'll only be gone that one work day. The round trip fare is less than one hundred dollars. We wish we could go to Hawaii. We wish they had a parliamentary form of government but they don't. The fare is less than one hundred dollars and I would like to invite anybody -- any of the delegates -- not just Legislative Committee delegates, but any of the delegates, to come up

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with me to Edmonton to look into their form of government and to compare, what I like to call, our limited monarchy form of government here in Montana with a parliamentary form of government like they have in Canada, which vests all of the power in the people. Thank you, Mr. President.

PRESIDENT GRAYBILL: Very well, Mr. Kelleher. You've had your commercial. (Laughter) Are there other announcements? Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move we adjourn until 9:30 A.M. Thursday, February 3rd, 1972.

PRESIDENT GRAYBILL: All in favor of adjourning until 9:30 A.M. Thursday, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

(No response)

PRESIDENT GRAYBILL: The ayes have it and so ordered.

(Adjournment at 9:52 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

SIXTEENTH DAY

February 3, 1972 Convention Hall

9:40 o'clock, A.M. Helena, Montana

PRESIDENT GRAYBILL: The Convention will be in order. Will you please rise and Delegate Harper will lead us in an Invocation.

DELEGATE HARPER: Let us pray. Our Heavenly Father, we really are thankful that we are having this experience learning together about the issues of our state government and we pray now that creeping pride of knowing more than others might not catch us unawares. May every hurt and desire and anguish and joy and need of all of our people be ours and may we be reminded that we really are the people as we meet. And today, help us to be good stewards of our time and energy and their money. Amen.

PRESIDENT GRAYBILL: We will take the roll by voting Aye on the voting machine. Oscar Anderson and Mr. Ward are excused.

CLERK SMITH: Mrs. Bates, Blaylock, Blend, Bowman, Burkhardt, Etchart, Felt.

PRESIDENT GRAYBILL: Very well, will you take the machine vote.

(Official recorded roll call taken.)

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Aasheim	-	Present	Choate	-	Present
Anderson, J.	-	Present	Conover	-	Present
Anderson, O.	-	Excused	Cross	-	Present
Arbanas	-	Present	Dahood	-	Present
Arness	-	Present	Davis	-	Present
Aronow	-	Present	Delaney	-	Present
Artz	-	Present	Driscoll	-	Present
Ask	-	Present	Drum	-	Present
Babcock	-	Present	Eck	-	Present
Barnard	-	Present	Erdmann	-	Present
Bates	-	Present	Eskildsen	-	Present
Belcher	-	Present	Etchart	-	Present
Berg	-	Present	Felt	-	Present
Berthelson	-	Present	Foster	-	Present
Blaylock	-	Present	Furlong	-	Present
Blend	-	Present	Garlington	-	Present
Bowman	-	Present	Graybill	-	Present
Brazier	-	Present	Gysler	-	Present
Brown	-	Present	Habedank	-	Present
Bugbee	-	Present	Hanson, R. S.	-	Present
Burkhardt	-	Present	Hanson, R.	-	Present
Cain	-	Present	Harbaugh	-	Present
Campbell	-	Present	Harlow	-	Present
Cate	-	Present	Harper	-	Present
Champoux	-	Present	Harrington	-	Present

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Heliker	-	Present	Rebal	-	Present
Holland	-	Present	Reichert	-	Present
Jacobson	-	Present	Robinson	-	Present
James	-	Present	Roeder	-	Present
Johnson	-	Present	Rollins	-	Present
Joyce	-	Present	Romney	-	Present
Kamhoot	-	Present	Rygg	-	Present
Kelleher	-	Present	Scanlin	-	Present
Leuthold	-	Present	Schiltz	-	Present
Loendorf	-	Present	Siderius	-	Present
Lorello	-	Present	Simon	-	Present
Mahoney	-	Present	Skari	-	Present
Mansfield	-	Present	Sparks	-	Present
Martin	-	Present	Speer	-	Present
McCarvel	-	Present	Studer	-	Present
McDonough	-	Present	Sullivan	-	Present
McKeon	-	Present	Swanberg	-	Present
McNeil	-	Present	Toole	-	Present
Melvin	-	Present	Van Buskirk	-	Present
Monroe	-	Present	Vermillion	-	Present
Murray	-	Present	Wagner	-	Present
Noble	-	Present	Ward	-	Excused
Nutting	-	Present	Warden	-	Present
Payne	-	Present	Wilson	-	Present
Pemberton	-	Present	Woodmansey	-	Present

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CLERK SMITH: Mr. President, ninety-eight present, two excused. Quorum, Mr. President.

PRESIDENT GRAYBILL: Very well, the journal may so show. All right, Order of Business Number One, Report of Standing Committees.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Two: Report of Select Committees.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Three: Communications. Under communications, the President would like to announce, so that it will appear in the journal, that Larry Margolis, the executive secretary of the Citizens Conference on State Legislatures, has been with us yesterday and this morning and that last night at seven-thirty P.M., in Convention Hall, he addressed the Delegates in another of our distinguished speaker series, and I think all of those who were here last night greatly enjoyed his remarks. Now, he is with us in the chamber this morning and, Larry, I wish you would stand up so those that do not--did not get here last night will see you.

(Applause)

PRESIDENT GRAYBILL: Mr. Margolis is really putting himself out to be with us this morning. He wants to get over to the Russell Museum and we're going to send him there as

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soon as we're through with him here. He's very anxious to see the pictures. Very well, Order of Business Number Four: Introduction and reference of Delegate Proposals.

CLERK SMITH: Delegate Proposal Number One Fourteen: A proposal for a new constitutional section on public sightliness and good order. Introduced by Bugbee and others. Delegate Proposal Number One Fourteen, Mr. President.

PRESIDENT GRAYBILL: Number One Fourteen to Natural Resources.

CLERK SMITH: Delegate Proposal Number One Fifteen: A proposal for a new constitutional section providing that this Constitution shall not affect present elective offices before 1977. Introduced by Bugbee and Eck. Mr. President, Delegate Proposal One Fifteen.

PRESIDENT GRAYBILL: Number One Fifteen to General Government.

CLERK SMITH: Delegate Proposal Number One Sixteen: A proposal amending Article Three, Section Three, of the Constitution of the State of Montana recognizing the people's obligation to preserve their rights and property. Introduced by Ward and others. Mr. President, Delegate Proposal Number One Sixteen.

PRESIDENT GRAYBILL: To Bill of Rights Committee.

CLERK SMITH: Delegate Proposal Number One Seventeen: A proposal for a new section to provide for a department of

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agriculture. Introduced by Bates and others. Mr. President, Delegate Proposal Number One Seventeen.

PRESIDENT GRAYBILL: Number One Seventeen to Natural Resources and Agriculture.

CLERK SMITH: Delegate Proposal Number One Eighteen: A proposal for a preamble to the new Constitution. Introduced by Ward and others. Mr. President, Delegate Proposal Number One Eighteen.

PRESIDENT GRAYBILL: Number One Eighteen to Bill of Rights.

CLERK SMITH: Delegate Proposal Number One Nineteen: A proposal for a new constitutional section providing for the earmarking of grass conservation, hail insurance and wheat research funds. Introduced by Aasheim and others. Mr. President, Delegate Proposal Number One Nineteen.

PRESIDENT GRAYBILL: Number One Nineteen to Revenue and Finance.

CLERK SMITH: Delegate Proposal Number One Twenty: A proposal amending Article Nineteen, Section Two, of the Constitution of the State of Montana to permit bingo games by non-profit organizations. Introduced by Kamhoot and others. Mr. President, Delegate Proposal Number One Twenty.

PRESIDENT GRAYBILL: One Twenty to General Government.

CLERK SMITH: Delegate Proposal Number One Twenty-

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One: A proposal for a new constitutional section providing for public utility corporations. Introduced by Harlow and others. Mr. President, Delegate Proposal Number One Twenty-One.

PRESIDENT GRAYBILL: One Twenty-One to Public Health.

CLERK SMITH: Mr. President, Delegate Proposal Number One Twenty-Two. A proposal amending Article Five, Section Thirty-One of the Constitution of the State of Montana, deleting the words, or increase, from the section providing for salary increase for elected public officers during their term of office. Introduced by Ask and Rollins. Mr. President, Delegate Proposal Number One Twenty-Two.

PRESIDENT GRAYBILL: One Twenty-Two to Local Government and Executive, jointly.

CLERK SMITH: Delegate Proposal Number One Twenty-Three: A proposal for a new constitutional section providing for legislative interim committees. Introduced by Felt and others. Mr. President, Delegate Proposal Number One Twenty-Three.

PRESIDENT GRAYBILL: One Twenty-Three to Legislative.

CLERK SMITH: Delegate Proposal Number One Twenty-Four: A proposal for a new constitutional section prohibiting lie detector tests as a condition of employment. Introduced by Cate and others. Mr. President, Delegate Proposal Number One Twenty-Four.

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PRESIDENT GRAYBILL: One Twenty-Four to Bill of Rights.

CLERK SMITH: Delegate Proposal Number One Twenty-Five: A proposal amending Article Three, Section Fourteen of the Constitution of the State of Montana providing that environmental amenities not be taken or damaged without just compensation. Introduced by Cate. Mr. President, Delegate Proposal Number One Twenty-Five.

PRESIDENT GRAYBILL: One Twenty-Five to Bill of Rights.

CLERK SMITH: Delegate Proposal Number One Twenty-Six: A proposal for a new constitutional article on local government. Introduced by Speer. Mr. President, Delegate Proposal Number One Twenty-Six.

PRESIDENT GRAYBILL: One Twenty-Six to Local Government.

CLERK SMITH: Delegate Proposal Number One Twenty-Seven: A proposal for a new constitutional section providing for water rights. Introduced by Davis and others. Mr. President, Delegate Proposal Number One Twenty-Seven.

PRESIDENT GRAYBILL: Number One-Twenty-Seven to Natural Resources.

CLERK SMITH: Delegate Proposal Number One-Twenty-Eight: A proposal amending Article Eleven, Section Eleven, of the Constitution of the State of Montana providing that ten

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members of the Board of Education be appointed by the governor and one student member be selected as provided by law. Introduced by May Nan Robinson and others. Mr. President, Delegate Proposal Number One Twenty-Eight.

PRESIDENT GRAYBILL: One Twenty-Eight to Education.

CLERK SMITH: Delegate Proposal Number One Twenty-Nine: A proposal amending Article Five, Section One of the Constitution of the State of Montana providing for recall of elected officials. Introduced by Harlow. Mr. President, Delegate Proposal Number One Twenty-Nine.

PRESIDENT GRAYBILL: One Twenty-Nine to General Government.

CLERK SMITH: Delegate Proposal Number One Thirty: A proposal for a new constitutional section providing for the establishment of public libraries. Introduced by May Nan Robinson and McKeon. Mr. President, Delegate Proposal Number One Thirty.

PRESIDENT GRAYBILL: Number One Thirty to Education.

CLERK SMITH: Delegate Proposal Number One Thirty-One: A proposal for a new constitutional section providing for polling place voter registration. Introduced by Bugbee and others. Mr. President, Delegate Proposal Number One Thirty-One.

PRESIDENT GRAYBILL: One Thirty-One to General Government.

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CLERK SMITH: Delegate Proposal Number One Thirty-Two: A proposal for a new constitutional section providing for environmental rights. Introduced by Campbell and others. Mr. President, Delegate Proposal Number One Thirty-Two.

PRESIDENT GRAYBILL: One Thirty-Two to Bill of Rights and Natural Resources, jointly.

CLERK SMITH: Delegate Proposal Number One Thirty-Three: A proposal amending Article Three, Section Six of the Montana Constitution of the State of Montana to permit an injured person full remedies against all parties who may be liable for his injury excepting his fellow employees and his immediate employer, provided such immediate employer provides coverage under the workmen's compensation laws of the State of Montana. Introduced by Campbell and others. Mr. President, Delegate Proposal Number One Thirty-Three.

PRESIDENT GRAYBILL: One Thirty-Three to Bill of Rights and Judiciary, jointly.

CLERK SMITH: Delegate Proposal Number One Thirty-Four: A proposal repealing Article Twelve, Sections Fifteen and Sixteen, and amending Article Twelve, Section Seventeen of the Constitution of the State of Montana. Introduced by Arness and Blaylock.

PRESIDENT GRAYBILL: One Thirty-Four to Local Government.

CLERK SMITH: Delegate Proposal Number One Thirty-

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Five: A proposal amending Article Seventeen, Section One and repealing Sections Two and Three of that article of the Constitution of the State of Montana providing for the exchange of public lands. Introduced by Davis.

PRESIDENT GRAYBILL: One Thirty-Five to Natural Resources.

CLERK SMITH: Delegate Proposal Number One Thirty-Six: A proposal for a new constitutional article providing for a parliament. Introduced by Kelleher and others. Delegate Proposal Number One Thirty-Six, Mr. President.

PRESIDENT GRAYBILL: One Thirty-Six to Legislative and Executive, jointly.

CLERK SMITH: Delegate Proposal Number One Thirty-Seven: A proposal for a new constitutional section providing that unemployment and industrial accident benefits be applied consistently, without regard to the type of employment. Introduced by McKeon and Harrington. Mr. President, Delegate Proposal Number One Thirty-Seven.

PRESIDENT GRAYBILL: Number One Thirty-Seven to Judiciary.

CLERK SMITH: Delegate Proposal Number One Thirty-Eight: A proposal for a new constitutional section providing for a mandatory minimum wage law. Introduced by McKeon and Harrington. Delegate Proposal Number One Thirty-Eight, Mr. President.

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PRESIDENT GRAYBILL: Number One Thirty-Eight to Public Health, Welfare, Labor and Industry.

CLERK SMITH: Delegate Proposal Number One Thirty-Nine: A proposal for a new constitutional section providing that present state institutions may not be removed from their present locations. Introduced by McKeon. Delegate Proposal Number One Thirty-Nine, Mr. President.

PRESIDENT GRAYBILL: One Thirty-Nine to General Government.

CLERK SMITH: That is all, sir.

PRESIDENT GRAYBILL: All right. Now, the Chair would like to remind the Delegates that the schedule which--the Chair would like to remind the Delegates that the schedule which we provided you last week shows the deadline for filing Delegate proposals as five p.m., today, so if you have any last minute ideas you may get them in through Mrs. Dowling and get them into the Clerk's office by five P.M., today, so they may be processed and tomorrow morning we'll handle the rest of the Delegate proposals. Order of Business Number Five: Final Consideration.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Six: Adoption of proposed Constitution.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Seven:

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Motions and Resolutions.

(No response)

CLERK SMITH: None.

PRESIDENT GRAYBILL: None. Order of Business Number Eight, Unfinished Business.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Nine: Special Orders.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Number Ten: General Orders.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number Eleven: Announcements. The announcements shown on the daily schedule, of course, are there. I would like to point out that the meeting at seven thirty tonight of committee chairmen, at which time you are going to discuss the method of preparing your committee proposals, is also intended for your research analyst, so you committee chairmen should bring your research analyst tonight and Mr. Schiltz will be in charge of that section, or that session--Style and Drafting.

Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman, Legislative Committee at ten-thirty.

PRESIDENT GRAYBILL: Legislative Committee at ten-thirty.

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Mr. Schiltz.

DELEGATE SCHILTZ: Mr. Chairman--or, Mr. President, Style and Drafting tomorrow morning at eight-thirty and the handball committee will meet at five o'clock at the committee room at Carroll College. Probably there will be an exhibition because Chairman Rebal and I have run out of competition.

PRESIDENT GRAYBILL: Is there any rejoinder from Butte on that? All right, Mr. Champoux.

DELEGATE CHAMPOUX: There will be a meeting of the Education Committee right after this meeting. Also, we would like to invite, tomorrow morning at eight-thirty, in the Education Committee room, 436, anyone who is interested in hearing a special report on alternate methods of financing public education. And, one other thing, if I may at this point--on the schedule today it indicates that we're going to have the House chamber all afternoon. That's not true. As soon as we're through with the joint committee meeting on the county superintendents, we will vacate for the Indian education upstairs in Room 436. Thank you.

PRESIDENT GRAYBILL: Very well, Mr. Holland.

DELEGATE HOLLAND: Meeting of Judiciary ten minutes after adjournment and also a meeting of the handball committee to put on a lip buttoner session at five o'clock.

PRESIDENT GRAYBILL: Very well. Mrs. Cross.

DELEGATE CROSS: There will be a meeting of the Nat-

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ural Resources Committee at ten-thirty, and I think, on behalf of the ladies in the delegation, we'd like to thank the good person who sent us our corsages today.

PRESIDENT GRAYBILL: Well, since you brought the matter up, Mrs. Cross, Frank Small is the gentleman who should be thanked for providing the flowers for the lady Delegates and for those of us on the rostrum, and we want to thank him very much. Frank is reported to be in the gallery.

Mr. Joyce.

DELEGATE JOYCE: Executive Committee at twenty minutes after adjournment this morning.

PRESIDENT GRAYBILL: Executive Committee twenty minutes after adjournment.

Mr. Rygg.

DELEGATE RYGG: Revenue and Finance at ten-thirty.

PRESIDENT GRAYBILL: Other committee announcements?

Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, there will be a five minute meeting of all Delegates in the rear of Convention Hall immediately, on the back benches, for those who are interested in pushing the parliamentary form of government.

PRESIDENT GRAYBILL: Very well. Mrs. Eck, did you want to make an announcement about an intern meeting?

DELEGATE ECK: Yes, the interns will meet at twelve fifteen in Room 431.

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PRESIDENT GRAYBILL: Interns at twelve-fifteen in Room 431. Very well. The Chair would like to announce that anyone who has not made their constituent mailing request that wants to--and I'm not urging it--to complete that duty by five P.M., today. Thereafter, we will not entertain proposals for constituent mailings. The Chair would also like to announce that Senator Terry Carpenter from the unicameral legislature of Nebraska will be the guest of the Legislative Committee on Friday, I think we've told you, and at seven-thirty, P.M., on Friday night, the Legislative Committee will hold a meeting in this chamber and you are all invited to come and hear Senator Carpenter come and discuss both unicameralism and any other legislative matter that you care to take up with him. Are there other announcements?

Mr. Cate.

DELEGATE CATE: Mr. Chairman, I'd like to tell Mr. Kelleher that we've agreed over here that if he would run May Nan Robinson for queen, he might get some support for his proposal.

PRESIDENT GRAYBILL: Very well. Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move we adjourn Friday, February the fourth, nine-thirty A.M., 1972.

PRESIDENT GRAYBILL: The motion of Mr. Eskildsen is that this Convention adjourn until nine-thirty A.M. on Friday morning. All in favor say Aye.

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DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: (No response)

PRESIDENT GRAYBILL: So ordered.

(Convention adjourned at 10:00 A.M.)

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MONTANA CONSTITUTIONAL CONVENTION

SEVENTEENTH DAY

February 4, 1972 Convention Hall

9:35 o'clock, A.M. Helena, Montana

VICE PRESIDENT TOOLE: The Convention will come to order. Mr. Scanlin, the Invocation, please.

DELEGATE SCANLIN: Using the words of John Greenleaf Whittier, let us pray. Dear Lord and Father of mankind, forgive our feverish ways, reclothe us in our rightful mind, in purer lives our service find, in deeper reverence, praise. Drop Thy still dews of quietness till all Thy striving cease. Take from our souls the strain and stress and let our ordered lives confess the beauty of Thy peace. Breathe through the heat of our desire Thy coolness and Thy bond. Let sense be dumb, let flesh retire. Speak through the earthquake, wind and fire, oh still small voice of calm. Amen.

VICE PRESIDENT TOOLE: The Clerk will call the roll, those present voting Aye.

CLERK HANSON: Delegate Davis, Delegate Delaney, Delegate Driscoll, Delegate Drum, Delegate Felt, Delegate Habedank, Delegate Robert S. Hanson, Delegate Harper, Delegate Kelleher.

VICE PRESENT TOOLE: Delegate Heliker, are you present? Delegate Heliker--Kelleher?

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CLERK HANSON: Mr. Vice President, Delegate Oscar Anderson, Delegates Lorello and Foster excused. Delegate Kelleher?

DELEGATE LORELLO: That's not for today; it's for tomorrow.

CLERK HANSON: Thank you.

VICE PRESIDENT TOOLE: Mr. Swanberg, will you push my button, please?

DELEGATE KELLEHER: Mr. President--Kelleher. May I please be reported present?

VICE PRESIDENT TOOLE: Show that Mr. Kelleher is present.

Mr. Harper.

DELEGATE HARPER: Harper now present, and sorry.

(Official recorded roll call was taken.)

Aasheim	-	Present	Bates	-	Present
Anderson, J.	-	Present	Belcher	-	Present
Anderson, O.	-	Excused	Berg	-	Present
Arbanas	-	Present	Berthelson	-	Present
Arness	-	Present	Blaylock	-	Present
Aronow	-	Present	Blend	-	Present
Artz	-	Present	Bowman	-	Present
Ask	-	Present	Brazier	-	Present
Babcock	-	Present	Brown	-	Present
Barnard	-	Present	Bugbee	-	Present

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1	Burkhardt	-	Present	Hanson, R.	-	Present
2	Cain	-	Present	Harbaugh	-	Present
3	Campbell	-	Present	Harlow	-	Present
4	Cate	-	Present	Harper	-	Present
5	Champoux	-	Present	Harrington	-	Present
6	Choate	-	Present	Heliker	-	Present
7	Conover	-	Present	Holland	-	Present
8	Cross	-	Present	Jacobson	-	Present
9	Dahood	-	Present	James	-	Present
10	Davis	-	Present	Johnson	-	Present
11	Delaney	-	Present	Joyce	-	Present
12	Driscoll	-	Present	Kamhoot	-	Present
13	Drum	-	Present	Kelleher	-	Present
14	Eck	-	Present	Leuthold	-	Present
15	Erdmann	-	Present	Loendorf	-	Present
16	Eskildsen	-	Present	Lorello	-	Present
17	Etchart	-	Present	Mahoney	-	Present
18	Felt	-	Present	Mansfield	-	Present
19	Foster	-	Excused	Martin	-	Present
20	Furlong	-	Present	McCarvel	-	Present
21	Garlington	-	Present	McDonough	-	Present
22	Graybill	-	Present	McKeon	-	Present
23	Gysler	-	Present	McNeil	-	Present
24	Habedank	-	Present	Melvin	-	Present
25	Hanson, R. S.	-	Present	Monroe	-	Present

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Murray	-	Present	Simon	-	Present
Noble	-	Present	Skari	-	Present
Nutting	-	Present	Sparks	-	Present
Payne	-	Present	Speer	-	Present
Pemberton	-	Present	Studer	-	Present
Rebal	-	Present	Sullivan	-	Present
Reichert	-	Present	Swanberg	-	Present
Robinson	-	Present	Toole	-	Present
Roeder	-	Present	Van Buskirk	-	Present
Rollins	-	Present	Vermillion	-	Present
Romney	-	Present	Wagner	-	Present
Rygg	-	Present	Ward	-	Present
Scanlin	-	Present	Warden	-	Present
Schiltz	-	Present	Wilson	-	Present
Siderius	-	Present	Woodmansey	-	Present

CLERK HANSON: Mr. Vice President, ninety-eight Delegates present, two excused.

VICE PRESIDENT TOOLE: Reports of Standing Committees.

CLERK HANSON: None, sir.

VICE PRESIDENT TOOLE: Reports of Select Committees.

CLERK HANSON: None.

VICE PRESIDENT TOOLE: Communications.

CLERK HANSON: (Reading) February 3, 1972. To Leo C. Graybill, Jr., Montana Constitutional Convention. From

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Alex Blewett, Chairman, Montana Constitutional Convention Commission. Subject: Commission Report to Convention under Section Twenty-One of the Enabling Act. On the basis of information now available, I, as chairman of the Commission, should now report to the Convention that there will be no funds appropriated to the Commission from the general fund of the State of Montana available to the Constitutional Convention.

CLERK HANSON: (Reading) February 3, 1972. To: President Leo Graybill, Jr., Montana Constitutional Convention. From: Chairman Alex Blewett, Montana Constitutional Convention Commission. Subject: Montana Constitutional Convention Inventory Report to the Montana Constitutional Convention in compliance with the Enabling Act. In compliance with the Enabling Act, the Montana Constitutional Convention Commission herewith advises the Montana Constitutional Convention that the Commission is turning over to you the following: One. Constitutional Convention Commission Reports - Inventory Report Number One, attached. Two: The Commission herewith tenders to the Convention the following files and materials: (a) typewriters, subject to the appropriate credit for the Commission, Inventory Report Number Two, attached; (b) office files, Inventory Report Number Three, attached; (c) office supplies, Inventory Report Number Four, attached. Three: Library - Inventory Report Number Five, attached.

CLERK HANSON: (Reading) February 3, 1972. Mr.

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Dale Harris, Executive Director, Montana Constitutional Convention, State Capitol, Helena, Montana 59601. Dear Dale: This letter is to verify the leave of absence which you requested orally of me this morning. I understand that you are exhausted and would like to get some rest and have talked it over with John Toole, and we hereby extend to you a leave of absence from the Convention duties. The leave of absence is indefinite but we will review the situation on or about February fifteenth. I will take this matter before the Administration Committee and I am sure they will approve. You have our best wishes for your speedy return. Sincerely, Leo Graybill, Jr.

VICE PRESIDENT TOOLE: The Chair would like to make some remarks about Mr. Harris. I think everyone in this room is aware of the job he did in preparing for this Convention. In fact, we wouldn't be in the shape we're in were it not now for the efforts of Dale Harris who worked night and day to get this Convention off the ground. Unfortunately, he worked himself into a state of exhaustion. He has taken a few days off. We have every reason to believe that he will be back with us. We think his condition is simply a situation where he needs rest and I am confidently expecting him within a week or two to see Dale Harris back on the job in this Convention. Order of Business Number Four: Introduction and Reference of Delegate Proposals.

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CLERK HANSON: Mr. Vice President, Delegate Proposal Number One Forty: Introduced by Bates. A proposal for a new legislative article. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Forty, Mr. Vice President.

VICE PRESIDENT TOOLE: Proposal Number One Forty to Legislative.

CLERK HANSON: Delegate Proposal Number One Forty-One, introduced by Bates: A proposal amending Article Five, Section Five of the Constitution of the State of Montana providing for legislative salaries. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Forty-One, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Forty-One to Education.

CLERK HANSON: Delegate Proposal Number One Forty-Two, introduced by Toole: A proposal amending Article Eleven, Section Eleven, of the Constitution of the State of Montana providing that a board of public education supervise the public schools and a separate board of regents govern the Montana university system; that the two boards meeting jointly be called the State Board of Education and elect the state superintendent of public instruction; and that the funds of the university system be invested by the board of regents. Be it proposed by the Constitutional Convention of the State of Mon-

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tana. Delegate Proposal Number One Forty-Two, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Forty-Two to Education.

CLERK HANSON: Delegate Proposal Number One Forty-Three, introduced by Toole: A new constitutional section combining Section One and Six of Article Eleven of the present Constitution. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Forty-Three, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Forty-Three to Education.

CLERK HANSON: Delegate Proposal Number One Forty-Four, introduced by Loendorf: A proposal for a new constitutional section providing for a merit system. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Forty-Four, Mr. Vice President.

VICE PRESIDENT TOOLE: One Forty-Four to General Government.

CLERK HANSON: Delegate Proposal Number One Forty-Five, introduced by Loendorf: A proposal for a new constitutional section providing that membership in an employees' retirement system is a contractual relationship. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Forty-Five, Mr. Vice President.

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VICE PRESIDENT TOOLE: One Forty-Five to Judiciary.

CLERK HANSON: Delegate Proposal Number One Forty-Six: A proposal amending Article Eleven, Section Eleven of the Constitution of the State of Montana providing for a twelve member board of regents to be appointed by the governor from nominees selected by a nominating committee. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Forty-Six, Mr. Vice President.

VICE PRESIDENT TOOLE: One Forty-Six to Education.

CLERK HANSON: Delegate Proposal Number One Forty-Seven, introduced by Cate and others: A proposal for a new constitutional section providing that delegates to national nominating conventions be chosen at a presidential primary. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Forty-Seven, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Forty-Seven to General Government.

CLERK HANSON: Delegate Proposal Number One Forty-Eight, introduced by McCarvel and others: A proposal for a new constitutional section providing for full employment of able bodied persons. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Forty-Eight, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Forty-Eight to

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Public Health.

CLERK HANSON: Delegate Proposal Number One Forty-Nine, introduced by McKeon: A proposal amending Article Twenty, Section Four of the Constitution of the State of Montana providing for a probate court system. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Forty-Nine.

VICE PRESIDENT TOOLE: Number One Forty-Nine to the Judiciary.

CLERK HANSON: Delegate Proposal Number One Fifty, introduced by Kelleher: A proposal for a new constitutional section providing for the office of people's advocate. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Fifty, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty to the Legislative.

CLERK HANSON: Delegate Proposal Number One Fifty-One, introduced by Monroe: A proposal for a new constitutional section providing for the rights of Indians. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Fifty-One.

VICE PRESIDENT TOOLE: Number One Fifty-One to the Bill of Rights.

CLERK HANSON: Delegate Proposal Number One Fifty-Two, introduced by McKeon: A proposal to repeal Article Four-

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teen of the Constitution of the State of Montana. Be it proposed by the Constitutional Convention, State of Montana. Delegate Proposal Number One Fifty-Two, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty-Two to General Government.

CLERK HANSON: Delegate Proposal Number One Fifty-Three, introduced by Holland: A proposal for a new constitutional section in the bill of rights to provide for free care at state institutions. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Fifty-Three, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty-Three to the Bill of Rights.

CLERK HANSON: Delegate Proposal Number One Fifty-Five, introduced by Wilson: A proposal for a new constitutional section providing for a probate administrator in each county. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Fifty-Five, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty-Five to the Judiciary.

CLERK HANSON: Delegate Proposal Number One Fifty-Six, introduced by Melvin: A proposal amending Article Sixteen, Section Five of the Constitution of the State of Montana providing for election of sheriffs. Be it proposed by the

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Constitutional Convention of the State of Montana. Delegate Proposal Number One Fifty-Six, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty-Six to Local Government.

CLERK HANSON: Delegate Proposal Number One Fifty-Seven, introduced by Johnson: A proposal for a new constitutional section providing that the state shall not engage in competitive businesses so as to create a monopoly and must cease the liquor business by July 1, 1975. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Fifty-Seven, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty-Seven to General Government.

CLERK HANSON: Delegate Proposal Number One Fifty-Eight, introduced by Romney: A proposal for a new constitutional section providing for a conference committee report rule. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Fifty-Eight, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty-Eight to Legislative.

CLERK HANSON: Delegate Proposal Number One Fifty-Nine, introduced by Kelleher: A proposal for a new constitutional section providing that the supreme court cannot declare certain acts of parliament unconstitutional. Be it proposed

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by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Fifty-Nine, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Fifty-Nine, Judiciary.

CLERK HANSON: Delegate Proposal Number One Sixty, introduced by Monroe: A proposal for a new constitutional section providing for the rights of employees. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Sixty, Mr. Vice President.

VICE PRESIDENT TOOLE: Number One Sixty to the Bill of Rights.

CLERK HANSON: Delegate Proposal Number One Sixty-One, introduced by Felt: A proposal for a new constitutional article on taxation and finance. Be it proposed by the Constitutional Convention of the State of Montana. Delegate Proposal Number One Sixty-One.

VICE PRESIDENT TOOLE: Number One Sixty-One to Revenue and Finance.

CLERK SMITH: Delegate Proposal Number One Sixty-Two: A proposal for a new constitutional article on the environment. Introduced by Cross and others. Delegate Proposal Number One Sixty-Two.

VICE PRESIDENT TOOLE: One Sixty-Two to Natural Resources.

CLERK SMITH: Delegate Proposal Number One Sixty-

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Three: A proposal for a new constitutional section providing for the rights of persons committed to state facilities. Introduced by Sullivan and others. Delegate Proposal Number One Sixty-Three.

VICE PRESIDENT TOOLE: Number One Sixty-Three to the Judiciary.

CLERK SMITH: Delegate Proposal Number One Sixty-Four: A proposal amending Article Eleven, Section Eight of the Constitution of the State of Montana to provide that the section may not apply to federal funds for non-public education. Introduced by Harbaugh. Delegate Proposal Number One Sixty-Four.

VICE PRESIDENT TOOLE: Number One Sixty-Four to Education.

CLERK SMITH: Delegate Proposal Number One Sixty-Five: A proposal amending Article Three, Sections Four and Twenty-Seven and repealing Article Eleven, Section Eight of the Constitution of the State of Montana providing for equal protection of the law and prohibiting support of religious activities by tax levy or property grant. Introduced by Loendorf. Delegate Proposal Number One Sixty-Five.

VICE PRESIDENT TOOLE: Number One Sixty-Five to Bill of Rights.

CLERK SMITH: Delegate Proposal Number One Sixty-Six: A proposal for a new constitutional section providing for lo-

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cal legislative powers for certain counties. Introduced by Payne. Delegate Proposal Number One Sixty-Six.

VICE PRESIDENT TOOLE: Number One Sixty-Six to Local Government.

CLERK SMITH: Delegate Proposal Number One Sixty-Seven: A proposal for a new constitutional section providing for religious freedom and repealing Article Three, Section Four of the Constitution of the State of Montana. Introduced by Monroe and others. Delegate Proposal Number One Sixty-Seven.

VICE PRESIDENT TOOLE: Number One Sixty-Seven to Bill of Rights.

CLERK SMITH: Delegate Proposal Number One Sixty-Eight: A proposal for a new constitutional section providing for the rights of convicted felons. Introduced by Kelleher. Delegate Proposal Number One Sixty-Eight.

VICE PRESIDENT TOOLE: Number One Sixty-Eight to Judiciary.

CLERK SMITH: Delegate Proposal Number One Sixty-Nine: A proposal for a new constitutional section guaranteeing access to the courts for the redress of a wrong. Introduced by Kelleher. Delegate Proposal Number One Sixty-Nine.

VICE PRESIDENT TOOLE: Number One Sixty-Nine to Judiciary.

CLERK SMITH: Delegate Proposal Number One Seventy:

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A proposal for a new constitutional article providing for an executive department. Introduced by Babcock and Wilson. Delegate Proposal Number One Seventy.

VICE PRESIDENT TOOLE: Number One Seventy to Executive.

CLERK SMITH: Delegate Proposal Number One Seventy-One: A proposal for a new constitutional section providing for a board of regents and repealing Article Eleven, Section Eleven. Delegate Proposal Number One Seventy-One.

VICE PRESIDENT TOOLE: Number One Seventy-One to Education.

CLERK SMITH: Delegate Proposal Number One Seventy-Two: A proposal for a new constitutional section providing for the office of ombudsman. Introduced by Champoux and others. Delegate Proposal Number One Seventy-Two.

VICE PRESIDENT TOOLE: Number One Seventy-Two to General Government.

CLERK SMITH: Delegate Proposal Number One Seventy-Three: A proposal amending Article Twelve, Section Two of the Constitution of the State of Montana providing that totally disabled veterans may be exempt from taxation. Introduced by Loendorf and others. Delegate Proposal Number One Seventy-Three.

VICE PRESIDENT TOOLE: Number One Seventy-Three to Revenue and Finance.

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CLERK SMITH: Delegate Proposal Number One Seventy-Four: A proposal amending Article Three, Section Twenty-Seven of the Constitution of the State of Montana relating to the rights of the people of Montana. Introduced by Habedank. Delegate Proposal One Seventy-Four.

VICE PRESIDENT TOOLE: One Seventy-Four to Judiciary.

CLERK SMITH: Delegate Proposal Number One Seventy-Five: A proposal for a new constitutional section concerning public school lands and repealing Article Seventeen, Sections One, Two and Three and Article Eleven, Section Four of the Constitution of the State of Montana. Delegate Proposal Number One Seventy-Five.

VICE PRESIDENT TOOLE: One Seventy-Five to Education.

CLERK SMITH: Delegate Proposal Number One Seventy-Six: A proposal for a new constitutional section providing that eligible citizens must vote or be guilty of a crime. Introduced by Kelleher. Delegate Proposal Number One Seventy-Six.

VICE PRESIDENT TOOLE: Number One Seventy-Six to Judiciary.

CLERK SMITH: Delegate Proposal Number One Seventy-Seven: A proposal for a new constitutional section providing for a labor-management conciliation court. Introduced by Mc Carvel and others. Delegate Proposal Number One Seventy-Seven.

VICE PRESIDENT TOOLE: Number One Seventy-Seven to

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Public Health.

CLERK SMITH: Delegate Proposal Number One Seventy-Eight: A proposal for a new constitutional section concerning the elective process. Introduced by McKeon. Delegate Proposal Number One Seventy-Eight.

VICE PRESIDENT TOOLE: Number One Seventy-Eight to General Government.

CLERK SMITH: That is all, sir.

VICE PRESIDENT TOOLE: Order of Business Number Five, Final Consideration of Proposals. We will go back to Order of Business Number Three--we are back on Order of Business Number Three.

Delegate Graybill.

DELEGATE GRAYBILL: Mr. President, there may be some misunderstanding about Delegate Proposal Number One Forty-One. You had previously told me that that was to be assigned to Legislative. I think you may have read it Education. In any event the journal should show it's to Legislative. So, if there is an error in the journal or in the record, would we please correct that?

VICE PRESIDENT TOOLE: Yes.

DELEGATE GRAYBILL: The typed list you have has an error in it, Mr. President.

VICE PRESIDENT TOOLE: I see. That's fine. Order of Business Number Five, Final Consideration of Proposals.

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CLERK SMITH: None, sir.

VICE PRESIDENT TOOLE: Order of Business Number Six, Adoption of Proposed Constitution and Ballot.

CLERK SMITH: None.

VICE PRESIDENT TOOLE: Order of Business Number Seven, Motions and Resolutions. At this point the Chair will recognize Delegate Heliker.

DELEGATE HELIKER: Mr. President, I had a request to make a motion with regard to Proposal Number Ninety-One. I haven't had a chance to talk to Leo about that. Leo, I believe that was already assigned to the Education Committee. I would like to raise a question concerning the assignment of Proposal Number Ninety-Three, which was introduced by Delegate Siderius and relates to--and was referred to the Public Health Committee and the Bill of Rights Committee jointly. We heard Mr. Siderius yesterday and it develops that the intent of his proposal relates to agriculture and such matters as the national farmers' organization and therefore I move that it be reassigned to the Natural Resources and Agriculture Committee jointly with the Bill of Rights Committee.

VICE PRESIDENT TOOLE: The sense of your motion is that Proposal Number Ninety-Three be moved to Resources and Agriculture.

DELEGATE HELIKER: Jointly with the Bill of Rights, yes.

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VICE PRESIDENT TOOLE: What's that?

DELEGATE HELIKER: And Bill of Rights.

VICE PRESIDENT TOOLE: Do the Delegates all understand the motion?

(No response)

VICE PRESIDENT TOOLE: Is there any discussion?

(No response)

VICE PRESIDENT TOOLE: If not, all Delegates in favor of the motion proposed by Delegate Heliker signify by saying Aye.

DELEGATES: Aye.

VICE PRESIDENT TOOLE: Opposed, No.

DELEGATES: (No response)

VICE PRESIDENT TOOLE: Motion carried.

DELEGATE HELIKER: Mr. President, I'd also like to raise a question with respect to Delegate Proposal One Forty-Four, just read, relating to a merit system which you assigned to General Government. We had previously had assigned to Public Health Proposal Number Seventy-One, which proposes a merit system, and we have held hearings yesterday and have several witnesses scheduled today. In the interests of avoiding duplication, I would suggest that Number One Forty-Four also be assigned to our committee, and I so move.

VICE PRESIDENT TOOLE: Is there any discussion on the motion of Mr. Heliker to transfer that proposal?

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(No response)

VICE PRESIDENT TOOLE: If so--if not, all in favor--all Delegates in favor of Mr. Heliker's motion signify by saying Aye.

DELEGATES: Aye.

VICE PRESIDENT TOOLE: Opposed, no.

DELEGATES: (No response)

VICE PRESIDENT TOOLE: Motion carried.

Mr. Studer.

DELEGATE STUDER: Mr. President, there's two Delegates who have requested to our committee to have their names removed from my bill, Number Seventy-Eight. I wish to make the following motion. I move that Delegates Mansfield and Wagner be authorized to withdraw their names from Delegate Proposal Number Seventy-Eight, and that the proceedings of this Convention reflect these changes. Mr. President, I'd like to talk on this for about four minutes.

VICE PRESIDENT TOOLE: You may do so, Mr. Studer.

DELEGATE STUDER: Mr. President, to the two Delegates who put their names on my Proposal Number Seventy-Eight and now want them removed, I wish to say that I had no thought of causing you any embarrassment. I sincerely apologize to you for having done so. Believe me, I'm sorry. To the Convention, I wish to say that I did not twist any arms to get these signatures. I think the time has come to think of the

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many high-minded, idealistic thoughts that were put out by most of the candidates who ran for and are now a part of this Convention. Our mining people, railroad corporations, logging interests, and so forth, were strong enough to protect their interests in the 1889 Convention. Our reason for this Constitutional Convention was to rewrite it and give the legislature more power to govern. Now we are in the position of saddling our future generations with an organization so strong and so ruthless as to put the 1889 powers to shame. In 1926 and '27, closer to the time of that Constitution than this one, I was lucky enough to be working in Butte. I worked as a mucker at the Mountain View for less than five dollars a day. My wife and I lived on this as well as we could. No one was around to tell us that cornmeal mush and milk for supper might destroy our mental health and cause a mental depression that we might never overcome. At that time I was a graduate from the University of Minnesota with a mining engineer's degree. This story is to illustrate how tough it was to work in those days under the so-called oppressive labor laws of the time. I enjoyed my work and my pay. We are working now under a much more restrictive labor law, administered by a very ruthless power, as is demonstrated in the case of the withdrawal of these two signatures that I have mentioned. These people were submitted to pressure to remove their names. If any Delegate here--Delegates here are sincerely against my proposal Number

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Seventy-Eight for good reasons of their own, then you probably could vote against it even though it will be an alternate proposal and all I want is to get it to the people to decide. However, if any of you are afraid that by voting for this Number Seventy-Eight that you will be bringing down the wrath of this all-powerful group on yourselves, then this is one of the best reasons I know of to make a stand to curb this ruthless power by giving it to the people to vote upon. Nebraska had one hard time trying to get a similar law to the voters. When it was finally done, it passed better than two to one. If we want to saddle our future generations with a power over them that all hell or heaven won't remove, just acquiesce to the pressures of this organization. It takes an eagle to battle a storm, but a sparrow can go with the wind. I'm looking for a few eagles. Thank you, Mr. President.

VICE PRESIDENT TOOLE: Mr. Studer, I believe you made a motion that two names be withdrawn from your proposal?

DELEGATE STUDER: That's right.

VICE PRESIDENT TOOLE: Is there any further discussion on Mr. Studer's motion?

DELEGATE MANSFIELD: Mr. President, I am Delegate Mansfield who signed Proposal Number Seventy-Eight and I asked to have my name removed. Since it is a woman's prerogative to change her mind, I wish to have my name remain on Number Seventy-Eight Delegate Proposal. Thank you.

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VICE PRESIDENT TOOLE: Mrs. Mansfield, is that in the form of a motion that you want your name to remain on the proposal?

DELEGATE MANSFIELD: Would it be an amendment, sir, or--?

VICE PRESIDENT TOOLE: Is there any further discussion on Mr. Studer's motion?

DELEGATE MANSFIELD: It's what, sir?

VICE PRESIDENT TOOLE: You've already spoken once, Mrs. Mansfield.

Mr. Wagner.

DELEGATE WAGNER: Mr. President, I'd like my name removed. Thank you.

VICE PRESIDENT TOOLE: Any further discussion?

(No response)

VICE PRESIDENT TOOLE: Mrs. Mansfield, you will have to make a motion to amend--to leave your name on.

Mr. Murray.

DELEGATE MURRAY: As a substitute motion for Mr. Studer's, I move that Delegate Wagner's name be removed from the Delegate Proposal under consideration.

VICE PRESIDENT TOOLE: Is there any discussion on Mr. Murray's motion?

(No response)

VICE PRESIDENT TOOLE: All right, the Chair--then we

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will take a voice vote on Mr. Murray's motion. All in favor of the motion of Mr. Murray signify by saying Aye.

DELEGATES: Aye.

VICE PRESIDENT TOOLE: Opposed, No.

DELEGATES: (No response)

VICE PRESIDENT TOOLE: Motion carried. Order of Business Number Eight, Unfinished Business. The Chair at this time will call on Delegate Graybill.

DELEGATE GRAYBILL: Mr. President, members of the Convention. The rules require that the President submit a budget to the Convention, which we did on the twenty-first of January, and the rules also require that this budget be reviewed with the Convention every two weeks. We have had placed before you on your desks a sheet called, Constitutional Convention Budget, dated February fourth, 1972. I wish you'd all take that and refer to it with me. All right, the first column, of course, describes the categories of the budget and the first two numerical columns describe the budget, as amended. Notice that it says, budget as amended. Now, the original budget was five hundred and four thousand and some-odd dollars and the budget has been amended downward to four hundred ninety-nine thousand, two hundred eighty-one dollars, and the budget subcommittee of the Administration Committee has agreed with me that the changes I am about to describe to you should be made to accomplish that amendment. First of all, because of

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the fact that we had originally anticipated some money from the Commission, we allowed our budget categories to creep up so that we actually overbudgeted from the money the legislature appropriated us. We did this in anticipation that there would be some monies from the Commission. At that time we thought there would be plenty and we'd actually have an excess. As it now turns out, as you are aware from Mr. Blewett's communication this morning, there is no money from the Commission and so the budget had to be adjusted downward. In doing this we cut money out of three major categories. Under contracted services, right in the middle of the page, we cut printing to thirty-seven thousand, eight hundred and sixty-one. Printing had been forty thousand, eight sixty-one, so in other words, we cut three thousand out of printing. We did this because, although the printing expenses for the first three weeks are heavy, they include a deposit of five thousand dollars, so that actually we think that we are within the budget on printing and we feel that that is a--we are going to be able to do that. Secondly, we had budgeted ten thousand dollars originally for court reporter. We raised that to twelve thousand dollars when we thought we had the extra money. We cut the court reporter back to ten thousand dollars so there's two thousand dollars out of that budget. Whether or not we'll be able to accomplish that remains to be seen and depends largely on the debates. Third, under special expense, the

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second category is consultants and originally we had budgeted consultants at five thousand dollars but, again, we had raised that to seven thousand and in the budget that we presented to you on the twenty-first, it was seven thousand five hundred dollars. We took two thousand out of that and put it back to five thousand five hundred. We did that because, although we have spent some money on some of these speakers and although there are some requests for consultants, it does not now appear that we are in any trouble in that category. Now, that amounts to three, four, five, six, seven thousand dollars we took out of the budget as presented before. On the other hand, up under the third category, employee benefits, PERS and FICA et cetera, it became apparent, after we all got here and signed up, that many more of you and especially many more of the staff than we had anticipated would sign up for public employees retirement and you over-subscribed that little category to the point where it was seriously behind in the budget, so we have added twelve hundred and thirty-three dollars to that budget, raising it so that we are now about on schedule with our employee benefits. Now, when you subtract the twelve thirty-three from the seven thousand, you'll get a figure of fifty-seven hundred and sixty-seven dollars, and that's the amount we've reduced the total budget. That's the amount of the amendment and it reaches the four ninety-nine, two eighty-one, which is the legislatively appropriated sum. Obviously,

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we adjusted it up there in employee benefits. We could have put a few more--a few dollars less there. So, that's an explanation of the budget, as amended. The next column shows expenses to date. The expenses for salaries, for wages, and now that we've added the money to the budget for employee benefits, are all right on the button mathematically and there's no overage or underage for a nine-week session. In stationery and supplies, as is obvious there, we have spent most of--we have certainly spent more than half of the money but on the other hand, these are largely non-recurring items. For example, stationery--the eleven hundred dollars there--we all have plenty of stationery and in fact, we're not going to have to buy any more stationery. We've so far had no flat printing, which is extra printing, and our miscellaneous expenses there are as high as they are largely because, as it turned out, we assumed the office supplies the Commission had and a few things like that, but I think these office supplies will carry us largely through the Convention and so I don't think that category is in any trouble. In communications, the figure on postage is an even number, not because we have expended an even number of stamps, but because we buy postage meter money from the post office and we bought a thousand dollars worth and so we've accrued it. I should explain that this whole column is on an accrual basis and actually it says expenses to date--we have actually accrued through this week--these are

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the expenses we anticipate through this week, including your salaries and all the expenses. On telephone, I should make an explanation since this may jump around. The telephone bill is, to put it mildly, fouled up and that's because there's so much in and out and change, and there was a change in the December session and there were changes in the system--that was taken out, then it was put back in. Then the system to the rostrum was put in, and the telephone company asked us if we would be good enough to wait until Monday when they got a brand new bill from Denver before we tried to adjust this, and the six hundred and twenty-five is a December bill which is unpaid. However, we put it in there to accrue it. We don't actually know what the telephone bill will be but we'll know by the next budget period. Delegates' travel there's no problem on. Contracted services, I've already explained that although we have spent fourteen thousand in printing of our thirty seven thousand that, in fact, five thousand of that is a deposit and a good deal of that is prepaid paper. So, we're not in bad shape unless the committee reports are a lot longer than we think they're going to be. The Xerox and equipment rental all seem to be in fairly good shape. The court reporter item does include an item of six hundred and eighty dollars for the court reporter at the three day December session, which was negotiated and settled during the week with the lady who took the testimony at that time. Under special expense,

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per diem is automatic and is on schedule. The consultants, as I said, are certainly not overdrawn yet. This represents some expense money for a new staff member, Gardner Cromwell, who is going to be helping Style and Drafting. The University--that is, at Missoula--the University at Missoula is lending us Mr. Cromwell from now on but we must pay his per diem only, not his salary. The other money in that category was accrued for the purpose of paying a round trip air ticket for the speaker that was supposed to have spoken tonight and the one we had the other night, and these are perhaps slightly inexact but I think they're plenty big. Convention expense is a new category--Commission expense is a new category. As you're all aware from the papers, the Commission was rudely awakened and found it didn't have any extra money and there are some bills unpaid for books and there are some bills which we actually have paid for books, and this amount is an amount that was discussed between Mr. Blewett and Mr. --and his committee and Mr. Toole and myself yesterday and these books are books that you people all got, rather than library books and we think that maybe they were their expense but we, in fact, have paid them and I guess all we really have is an eight hundred and fifty-two dollar credit on our budget for that amount, but it simply had to be handled that way. On public information, we have not adjusted the first item, the M.S.U. film. However, the Public Information Committee has met many times this week

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and it does appear, depending on what we do tomorrow, it's unlikely that that film will proceed as planned. However, some of that money may be spent for other forms of film presentation. The problem is that if we have an early submission to the voters, it's impossible to produce the film that was originally anticipated. So that budget item will probably be changed before the next bi-weekly report. As far as the other public information expenses are concerned, they only represent a few minor office supplies and things that became necessary. You will note that we have so far maintained the integrity of our forty thousand dollar contingent fund and we made those other adjustments in other places than the contingent fund. I'm not willing to gamble yet on what you people are going to do when it comes to debate, and after we've heard you for a few days, we might be able to know better if we have properly planned there. So that shows you that we have now spent a hundred and sixty thousand, or we will have accrued by tomorrow night, a hundred and sixty thousand, and the next column shows what's left then of the accounts and the last column shows the balance, three hundred and thirty-eight thousand. At this time I would like to merely submit this budget, unless someone cares to debate it, and if we don't debate it, let's submit it and put it on the journal and of course we'll make another report two weeks from now.

VICE PRESIDENT TOOLE: Is there any discussion on

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the budget?

Mr. Simon.

DELEGATE SIMON: Mr. Vice President, may I address my remarks to our President, just a second?

VICE PRESIDENT TOOLE: Will you yield, Mr. Graybill?

DELEGATE GRAYBILL: Yield.

DELEGATE SIMON: I believe, Mr. President, you would want to bring out the fact we talked about the other day, because we have some mathemeticians with us, that the amounts of three weeks against nine weeks, or your thirty-six, one-eighty, you're twenty-six. If you take twice that, you'd get seventy-two thousand, and I'm sure you missed explaining that because it has a significant--

DELEGATE GRAYBILL: I remember your question. Are you talking about up in the salary, wage--

DELEGATE SIMON: Yes, if you take two times seventy-six you get seventy-two. I might explain myself what I'm trying to get at. This includes the three days that we were here on November twenty-ninth and December one and two, so that we are on target and it would make an exact on-target percentage if these days were taken out and these will not be recurring and I thought you'd want to--

DELEGATE GRAYBILL: Right. If you divide a hundred and seventy-nine thousand, which is the total of the first three categories, by three--which is a third of nine weeks--

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you won't come up with a hundred and eleven. We're not that wrong. What's happened is, there's three more days of December that are already accrued, too, and they're in there and if you play around with that, you come out pretty close. Thank you, Mr. Studer, you're correct.

VICE PRESIDENT TOOLE: Are there any other questions about the budget?

Mr. Romney.

DELEGATE ROMNEY: May I--Mr. Chairman, may I direct a question to the President?

VICE PRESIDENT TOOLE: Mr. Graybill, will you yield?

DELEGATE GRAYBILL: I'll yield to Mr. Romney.

DELEGATE ROMNEY: As a collateral matter, I think it would be a good idea to have the report of the Commission, at least the financial data therein, spread upon paper and given to each Delegate. Is that possible? Or is that contemplated?

DELEGATE GRAYBILL: Mr. President.

VICE PRESIDENT TOOLE: Yes.

DELEGATE GRAYBILL: First of all, may I explain that there are two S's from Billings and you're Mr. Simon and I'm not--I'm just a little muddleheaded. Excuse me. I may or I may not agree with Mr. Studer. Mr. Romney, Mr. Toole and I have worked at least two days this week trying to work this thing out with the Commission. One of the difficulties is that--and I think perhaps we should add this--the fact that

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the Commission ended up with a deficit position bothered Dale Harris greatly and it was not easy to discuss the matter with him, and it is not perfectly clear exactly where the Commission books stand but the point is, as far as Mr. Toole and I are concerned, we are trying not to take responsibility nor make any determinations concerning the Commission's budget. Now, I did get Mr. Blewett to put in the memorandum that you heard read this morning, which establishes the fact that we aren't going to get any money. Now, I've read his press release and know that they are about fourteen thousand dollars in the red but their lifetime is not over since the Commission lives as long as the Convention and I don't think they're prepared to make a detailed financial presentation--at least they haven't given us one and I don't think-I think it would be presumptuous of us to try and say what their deficit is or what it amounts to. Now, perhaps the Commission will do that eventually but Mr. Toole and I have scrupulously tried to distinguish ourselves as a Convention from themselves as a Commission because we do not want the public to confuse their budget position with ours and that's the purpose of both Mr. Blewett's and our press releases. So that's why we haven't attempted to run into the journal here a clear-cut explanation of their financial affairs. Now, I don't know whether that's satisfactory with you but we are definitely trying to distinguish the two rather than mix the two.

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DELEGATE ROMNEY: That's satisfactory to me at the present but I think at the appropriate time the fiscal data should be available to the Delegates for their records.

VICE PRESIDENT TOOLE: Is there any further discussion on this matter?

Mr. Mahoney.

DELEGATE MAHONEY: I would very much object to this Convention's saying one thing about the Constitutional Revision Commission. How they expended their money is their business. We were not appointed under any consideration to be an investigatory body of a former commission. I would like to see this dropped now. As far as the committee--commission part of this one, as far as this Convention is concerned, Mr. President.

VICE PRESIDENT TOOLE: Is there any further discussion or questions on the budget?

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Vice President, I would just move for the adoption of the budget.

VICE PRESIDENT TOOLE: You've heard the motion that the budget be adopted and entered in the journal. Is there any discussion on that motion?

(No response)

VICE PRESIDENT TOOLE: If not, all those in favor of Mr. Eskildsen's motion signify by saying Aye.

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DELEGATES: Aye.

VICE PRESIDENT TOOLE: Opposed, No.

DELEGATES: (No response)

VICE PRESIDENT TOOLE: The motion's carried and the budget will be entered in the journal.

Mr. Scanlin.

DELEGATE SCANLIN: Mr. President, I don't like to be critical of facts but there are four B's in many Montana cities; there are four S's from District Eight, not two.

VICE PRESIDENT TOOLE: The Chair takes note of that, Mr. Scanlin.

Mr. Graybill.

DELEGATE GRAYBILL: Mr. President, that only shows the depth of my confusion.

VICE PRESIDENT TOOLE: Mr. Harper.

DELEGATE HARPER: Maybe I just don't hear plainly but is it the letter S that he's using?

VICE PRESIDENT TOOLE: I'm not precisely sure, Mr. Harper.

DELEGATE HARPER: Well, I won't push that. If you'll remember what he said from Billings, I would agree with him, either way.

VICE PRESIDENT TOOLE: Order of Business Number Nine, Special Orders of the Day.

CLERK HANSON: None.

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VICE PRESIDENT TOOLE: Order of Business Number Ten, General Orders of the Day.

CLERK HANSON: None.

VICE PRESIDENT TOOLE: John, I have an announcement there. It's not under General Orders but I'm going to make it anyway. Fellow Delegates, we have with us today Miss Elaine Koyama from Hardin, Montana, who is the governor of Girls' State and we are very pleased to have her with us and I know she's in the room--I'm not sure where she is, but I wish she would stand and let us see her so we can recognize her.

(Miss Koyama stood to receive the applause of the Delegates.)

VICE PRESIDENT TOOLE: Mr. Mahoney.

DELEGATE MAHONEY: I feel this is quite an honor and it comes very close to home. I might state that the Delegate from Lewis and Clark, District Twelve, Mr. Harper, has the honor of having--of being the proud father of the queen of Montana. Now, I happen to be that my daughter and Elaine Koyama's brother are married and so I have the honor of being escorting her around this Capitol building today and I want you understood that I'm very proud of this. Here's a family that was interned during World War II, both American citizens. They have eight children and all eight of them have gone to Boys' State or Girls' State. Thank you.

VICE PRESIDENT TOOLE: Thank you, Mr. Mahoney.

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Order of Business Number Eleven, Committee Announcements and Notices. The Chair wishes at this time to announce to you that Senator Terry Carpenter of Nebraska, who was to talk to us on the legislature, has cancelled his trip here because of illness. The Chair will recognize Mrs. Eck.

DELEGATE ECK: There will be a meeting of the Administrative Committee on adjournment in 431.

VICE PRESIDENT TOOLE: Four thirty-one. I think we have some confusion there. The Committee chairmen are meeting in 431. I think, Mrs. Eck, we're meeting in the Rules Committee meeting--room, right here. Committee chairmen are meeting in 431 at eleven o'clock. Committee chairmen at eleven o'clock in four thirty one.

Mr. Holland.

DELEGATE HOLLAND: Judiciary ten minutes after adjournment.

VICE PRESIDENT TOOLE: Mrs. Warden.

DELEGATE WARDEN: Public Information meeting ten minutes after adjournment in 433, unless we're in conflict with some group and then we can meet in the public information office.

VICE PRESIDENT TOOLE: Mr. Martin.

DELEGATE MARTIN: I'm wondering, since we have a distinguished governor of Girls' State, if perhaps we shouldn't give her the opportunity to say a few words to us.

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VICE PRESIDENT TOOLE: I'd be very delighted to have her do so. If you'll just let me finish these committee announcements, I will call on her to do so.

Mr. Joyce.

DELEGATE JOYCE: A correction for the members of the Executive Committee. We will not meet at two this afternoon but rather, we'll meet at two-thirty in the committee room.

VICE PRESIDENT TOOLE: Mr. Heliker.

DELEGATE HELIKER: To fill in the unexplained blank opposite Public Health in the schedule, previously announced hearings begin today at one P.M. and cover all labor matters including the merit system, to be held in 428-A. There will be a meeting of the committee immediately after adjournment if there's any time between that time and eleven o'clock when I have to be at the chairmen's meeting.

VICE PRESIDENT TOOLE: Mr. Champoux.

DELEGATE CHAMPOUX: Correction on the Convention schedule. Instead of our meeting at one-thirty this afternoon in 436, we're going to meet in Convention Hall. Thank you, sir.

VICE PRESIDENT TOOLE: Mr. Murray.

DELEGATE MURRAY: Mr. Vice President, meeting of Rules at eight-thirty in the morning, and I'd like to announce to the Delegates that the memorandum which I prepared to the President and the Convention officers regarding the June sixth

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primary date and the recess matter will be distributed to the desks today.

VICE PRESIDENT TOOLE: Mrs. Blend.

DELEGATE BLEND: Local Government members please note there will be a meeting fifteen minutes after adjournment this morning.

VICE PRESIDENT TOOLE: Are there further committee announcements?

Mr. Etchart.

DELEGATE ETCHART: General Government will meet at one-thirty this afternoon.

VICE PRESIDENT TOOLE: Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, the Bill of Rights Committee will meet in the Bill of Rights committee room, 331, at one-thirty to hear more testimony on Proposal Number Forty-Five.

VICE PRESIDENT TOOLE: Now, Miss Koyama. I beg pardon, we have one more.

Mr. Kelleher.

DELEGATE KELLEHER: Mr. President, I would like to point out that one of the reasons this Convention is so well run is not only that it is unicameral but that it is organized like a parliament. Thank you, Mr. President.

VICE PRESIDENT TOOLE: Miss Koyama, we'd be very delighted to have you address a few words to the Convention

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if you would care to do so.

MISS KOYAMA: The last time I was up here was at Girls' State and I was looking at a mass of about a hundred and fifty girls, and this is quite a change because now I'm looking at the people who are going to form our state over again, and I must say that it an honor to be here with Mr. Mahoney because, even though he isn't my father-in-law, I feel he's like a father to me. And today, I was thinking, because I'm skipping out of a day of school--and it's sort of fun--but I think I'm learning more here today than I could in a whole month of school because this is the real thing and it's sort of exciting to be here. I must say I've been treated royally and I don't know how royally I feel. Girls' State was about six months ago, or more, but it's still hanging right in there and it's exciting and thrilling to be called a governor here and to be treated as I am by all of you, and I'd like to thank you very much for all you have given to me today in just the few hours that I've been here, and I hope to be able to go into some of your committees and look around and see what's going on. And thank you very much.

(Applause)

VICE PRESIDENT TOOLE: Thank you, Miss Koyama. We're delighted to have you here. I believe that concludes committee announcements. I'll call on Mr. Eskildsen.

Mr. Blaylock.

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DELEGATE BLAYLOCK: I believe Mr. James had a--

VICE PRESIDENT TOOLE: I have Mr. James in mind. I'll call on Mr. Eskildsen first.

DELEGATE ESKILDSEN: Mr. President, I move that we stand adjourned until February fifth at nine-thirty, A. M., 1972.

VICE PRESIDENT TOOLE: You have heard the motion that we adjourn until tomorrow at nine-thirty. Before we vote on that motion, I would like to call on Delegate James who has some remarks to make with respect to I'm not sure what.

Delegate James.

DELEGATE JAMES: Mr. Vice President, this may--

VICE PRESIDENT TOOLE: Just a minute, Mr. James. I'm advised that we must pass the motion for adjournment before you commence your speech. So, all in favor of the adjournment motion as stated by Mr. Eskildsen signify by saying Aye.

DELEGATES: Aye.

VICE PRESIDENT TOOLE: Mr. James, will you now continue.

(Convention adjourned at 10:30 o'clock, A.M.)

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